

**21/01628/FUL**

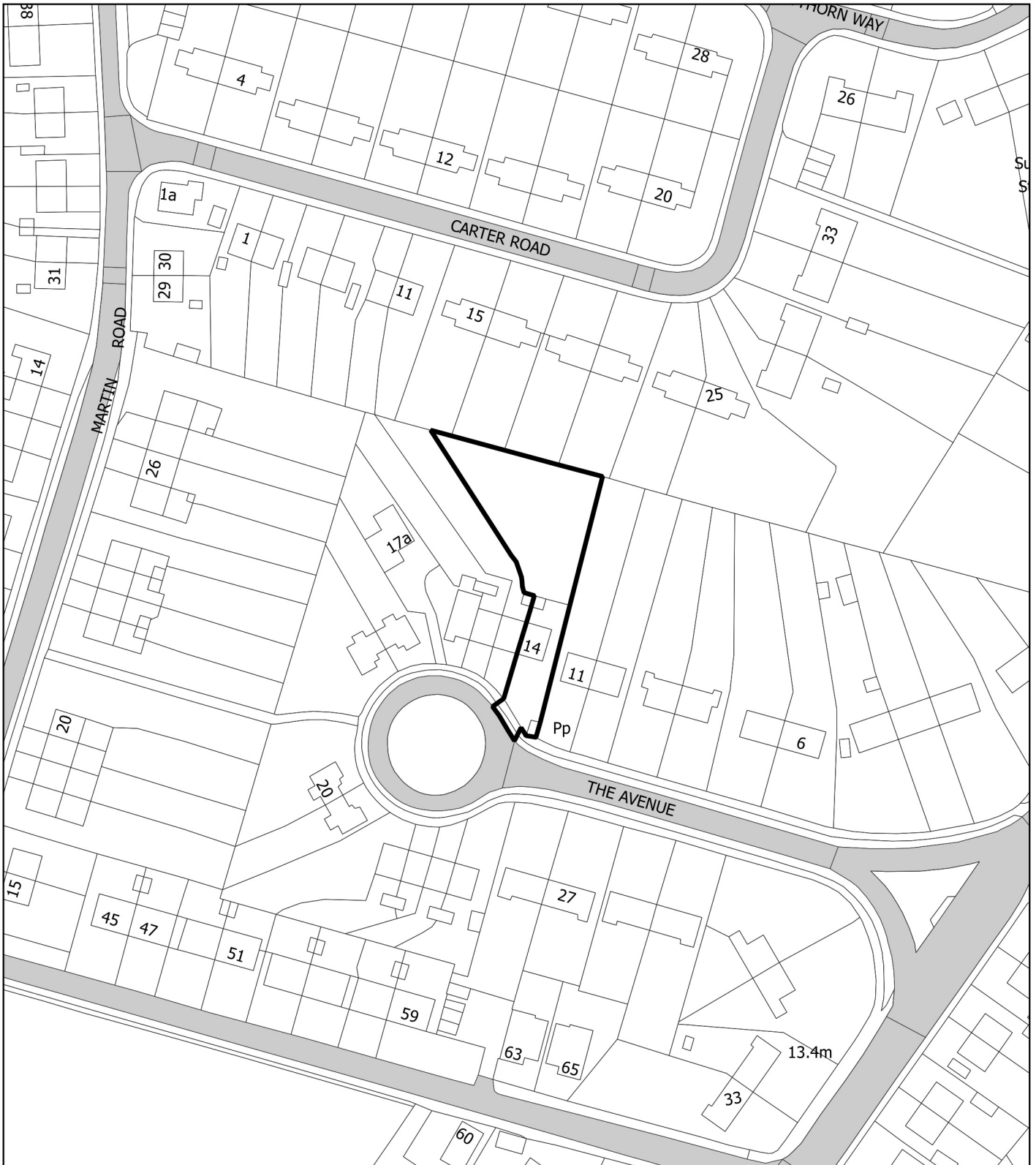
14 The Avenue  
Burwell  
Cambridge  
CB25 0DE

Construction of 1 No private detached bungalow, new dropped kerb, access road, and associated works

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=R2B9VBBGHTM00>





21/01628/FUL

14 The Avenue  
Burwell



East Cambridgeshire  
District Council

Date: 11/02/2022  
Scale: 1:1,250



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**MAIN CASE**

**Reference No:** 21/01628/FUL

**Proposal:** Construction of 1No private detached bungalow, new dropped kerb, access road, and associated works

**Site Address:** 14 The Avenue Burwell Cambridge CB25 0DE

**Applicant:** Mr & Mrs Antony Smith

**Case Officer:** Holly Chapman Planning Officer

**Parish:** Burwell

**Ward:** Burwell  
 Ward Councillor/s: David Brown  
 Lavinia Edwards

**Date Received:** 17 November 2021      **Expiry Date:** 11<sup>th</sup> March 2022  
**Report Number W146**

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1.0 **RECOMMENDATION**

1.1 Members are recommended to APPROVE the application subject to the recommended conditions below:

1. Approved Plans
2. Time Limit – 3 years
3. Reporting of unexpected contamination
4. Foul water drainage details
5. Implementation of SUDs
6. Gates – restriction
7. New access – width
8. Parking, serving, turning areas
9. Visibility splays - plans
10. Access drainage
11. Provision of proposed secure bike stores
12. Hard landscaping scheme
13. Soft landscaping scheme
14. Boundary treatments – details
15. Specified materials
16. Construction Environmental Management Plan
17. Construction times – standard times
18. Piling foundations
19. Tree protection measures

- 20. Permitted Development removal – extensions
- 21. Biodiversity improvements
- 22. Sprinkler installation

The conditions can be read in full on the attached Appendix 1

## 2.0 SUMMARY OF APPLICATION

- 2.1 The application submitted seeks planning permission for the construction of 1no. two-bedroom detached bungalow. The measurements of the proposed bungalow are set out in the following table (Table 1):

	Proposed Bungalow	
	Metres	Feet
Ridge	c.4.2	c.13.8
Eaves	c.2.25	c.7.4
Width	c.9.0	c.29.5
Depth	c.11.6	c.38

*Table 1 – Measurements of the Proposals*

- 2.2 The dwelling is proposed to be constructed from Marley Modern Duo roof tiles in Anthracite, Wienerberger facing brick in Oakwood, and uPVC and composite windows and doors.
- 2.3 The rear portion of the application site where the proposed dwelling is to be located measures c.482 square metres (c.5188sqft / c.0.12 acres) in size. This measurement excludes the access road and access channel from The Avenue and No.14 The Avenue and its rear garden area.
- 2.4 The proposed dwelling has a footprint of c.78 square metres (c.840 square foot), in addition to a small bike store area. In percentage terms, this equates to a c.16% site coverage.
- 2.5 The proposed dwelling benefits from a total rear garden area of 242 square metres (2604sqft) (excluding strips of land to the side of the dwelling). Excluding trees, this garden space would measure significantly in excess of the 50 square metre (c.539sqft) minimum.
- 2.6 The proposed dwelling would lie between 6m to 10 metres (20 – 33 feet) (from the northern boundary of the application site. The proposed dwelling would lie c.1.8 metres (c.5.9 feet) from the shared boundaries with No.11 The Avenue (to the east) and c.3.5 metres (c.11.5 feet) at its narrowest from the retained rear garden to No.14 The Avenue to the west.
- 2.7 A long rear garden of c.323sqm (c.3477sqft) for No.14 The Avenue is retained by the proposals, characteristic of other rear gardens for properties within this section of The Avenue.
- 2.8 A new dropped kerb and access is proposed from The Avenue, providing a 5 metre by 11 metre (16 feet by 36 feet) passing point and a 3.05 metre (10 feet) width

access road, widening to a shared turning area to the south of the proposed dwelling. The proposed dwelling would be served by two independently accessible parking spaces. A shared bin store is located behind the existing water pump towards The Avenue, outside of the main access road.

2.9 The existing private right of way for No.15 The Avenue is illustrated on the plans as passing through the rear garden to No.14 The Avenue. No.14 The Avenue does not currently benefit from any on-plot parking, and the current parking arrangements for the dwelling would remain, this being the use of the roundabout within the centre of The Avenue. A degree of on-plot parking would also be provided for the host dwelling of No.14 The Avenue, as shown on the submitted plan.

2.10 The revised application follows the refusal of the proposed development of two dwellings under LPA Ref. 21/00794/FUL by Members of the Planning Committee on the 6<sup>th</sup> October 2021 for the following reason:

*“The proposed development, by virtue of its restricted access arrangement and positioning of the proposed dwellings, results in a contrived form of development that is out of keeping with the character of the area and an overdevelopment of the site. The proposals are therefore contrary to Policies ENV 1, ENV 2 and COM 7 of the East Cambridgeshire District Council Local Plan 2015, the Design Guide SPD and the NPPF.”*

2.11 The application has been called to Planning Committee by Councillor Brown on the following basis: *“I confirm that I believe Committee should consider this application, following their refusal of the earlier application at 14 The Avenue. Therefore I would like to call in the application.”* This was set out in an email from Cllr. Brown on the 15<sup>th</sup> December 2021.

2.12 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/>.

### 3.0 PLANNING HISTORY

#### No.14 The Avenue

21/00794/FUL	Proposed erection of two private detached dwellings, new dropped kerb/access road and associated works	Refused	11.10.2021
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#### No.17a The Avenue previously land between No.17 and No.18 The Avenue

15/00867/FUL	Proposed erection of a private detached dwelling and associated works	Approved	16.09.2015
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16/00338/FUL	Amendment to approved chalet bungalow planning application 15/00867/FUL	Approved	06.06.2016
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#### 25 Carter Road

18/00352/OUT	Proposed private detached bungalow with existing access retained.	Approved	22.05.2018
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19/00235/OUT	Proposed private detached bungalow with existing access retained	Approved	10.04.2019
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21/00793/RMA	Reserved matters for Appearance, Landscaping and Scale for previously approved 19/00235/OUT for Proposed private detached bungalow with existing access retained	Approved	03.09.2021
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#### 27 Carter Road

21/00431/FUL	Proposed 2No. dwellings	Withdrawn	06.12.2021
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## 4.0 THE SITE AND ITS ENVIRONMENT

- 4.1 The application site comprises in total a 0.1-hectare (1,000 square metres / 0.25 acres) parcel of garden land associated with No.14 The Avenue, Burwell. No.14 The Avenue comprises a two-storey end-of-terrace dwelling, in a row of four other similar properties, along the northern side of The Avenue. The application site lies wholly within the policy-defined development envelope for Burwell.
- 4.2 The gardens to No.15 and No.16 The Avenue are long and set diagonally to the dwellings to which they relate. No. 17 The Avenue benefitted from a much wider garden until it was sub-divided to facilitate the erection of No.17a The Avenue. No.17 therefore benefits from a smaller garden to the side and rear of the dwelling.
- 4.3 As the application site comprises former garden land, the site is largely laid to grass, with areas of paving slabs and hard standing. A row of trees lies along the northern boundary to the application site and extends along the rear of properties along The Avenue. A recently designated TPO tree (E/02/21 – Honey Locust) lies outside of the application site within the curtilage of No.15 The Avenue to the west.
- 4.4 Within The Avenue the scale of development is characterised by two-storey terraced or semi-detached dwellings and a number of semi-detached bungalows with prominent front gables. The chalet-bungalow of 17a also sits to the rear of No.17 and 18 The Avenue. Pebbledash, render and darker coloured bricks are characteristic of the materials palette found within the Avenue.

- 4.5 To the front (south) of No. 14 The Avenue lies a water pump, set within a concrete slab. This pump is not a listed structure nor is it designated as a feature of special interest.
- 4.6 The application site is not located within a Conservation Area, and does not lie nearby any Listed Building, Structures or Monuments. The application site lies wholly within Flood Zone 1 (lowest risk) and lies within a Green Risk Zone for Great Crested Newts (lowest risk).

## 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.

### **Environmental Health - 19 November 2021**

States: "I would advise that construction times and deliveries during the construction phase are restricted to the following:

07:30 - 18:00 each day Monday - Friday  
07:30 - 13:00 on Saturdays and  
None on Sundays or Bank Holidays

If it is necessary to undertake ground piling I would request that a method statement be produced and agreed in writing with the Local Planning Authority (LPA) before work takes place. This document should include the commitment to notifying nearby properties prior to the work commencing to advise how long the works will last. This notification should also provide a contact number so that if there are any concerns while the piling is taking place they can contact the contractor. If the method of piling involves impact driving I would request a commitment to the following restricted hours specifically for piling - 09:00 - 17:00 each day Monday - Friday and None on Saturdays, Sundays or Bank Holidays.

If there is no intention to utilise ground piling then I would request this be confirmed in writing and a condition which prevents it be attached until such time as a ground piling method statement is agreed with the LPA.

No other comments to make at this time but please send out the environmental notes."

### **Environmental Health - 30 November 2021**

States: "Thank you for consulting me on the above proposal. I have read the Envirosearch report dated 24 November 2020 and accept the findings. I recommend that a condition requiring site investigation, etc. is not required. I recommend that standard contaminated land condition 4 (unexpected contamination) is attached to any grant of permission due to the proposed sensitive end use (residential)."

### **Parish - 1 December 2021**

States: "Burwell Parish Council objects to this application.

Burwell Parish Council supports neighbours, concerns regarding access, that there is a right of way to a neighbouring property across the proposed access road. Council considers that all objections raised with regards to the previous application for two properties still stand for this application. “

**Local Highways Authority - 6 December 2021**

States: “Subject to the following comments and recommendations:

I do not object to this application on the basis that the access is suitable in highway terms for a shared use access which will serve multiple dwellings and appropriate parking and turning has been provided for the new dwelling.

However, as the space available to access the proposed properties is only 3.05m, which is below the requirements as set out in Part B5 of the Building Regulations 2010, I recommend that you consult with the Fire & Rescue service in relation to fire safety and access.”

In their full response, the LHA recommend conditions be imposed concerning the location of gates, fences and walls; the access width; provision of parking/turning areas; visibility splays; and access drainage.

**Building Control - East Cambridgeshire District Council – 8 December 2021**

**States:** “The revised site layout provides no additional issues with regard to access for Fire Appliances and therefore this Authority has no adverse comments to make.”

**ECDC Trees Team - 21 January 2022**

States: “This design is sufficiently different to the previous application in that it is further away from the TPO tree so as not to impact on its long term retention and mature boundary hedge at the rear of the site can be managed and retained without detriment to its long term retention and its orientation means that shading will not be an issue for any future occupiers. Therefore there are no tree related objections to this application but if approved please condition a soft landscaping scheme that should include the planting of at least one small scale tree suitable for the space available.”

**Ward Councillors - No Comments Received**

**Cambridgeshire Fire And Rescue Service - No Comments Received**

**Waste Strategy (ECDC) - No Comments Received**

5.2 A site notice was displayed near the site on 23 November 2021.

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

**Residential Amenity**

- Loss of privacy;
- Over-looking;
- Overshadowing;
- Disturbance from additional vehicles;



- Construction impacts upon noise, disturbance and health;
- Proposed working hours are unacceptable and piling would be disruptive;
- Dwellings could be enlarged under PD rights
- Proximity to No.11 The Avenue, its front door and shared boundary;
- Front door to No.11 The Avenue close to boundary fence;
- Removal of trees will reduce privacy for properties along The Avenue;

#### Character and Appearance

- Over development;
- Low-density of The Avenue would be affected (on average 14.5% plot coverage);
- Effect on the character and appearance of the area;
- Dwellings could be enlarged under PD rights;

#### Highways, Access and Parking

- Highway safety
- Adequate parking provision not provided for No.14 The Avenue;
- Access not wide enough for emergency vehicles;
- Pedestrian safety concerns over vehicles travelling from the rear of the site onto The Avenue and the residents of No.15 who benefit from a right of way down the proposed access road;
- Lack of clarity over delineation of access road;
- Access road would not be lit;
- Pedestrian, cyclist and vulnerable user safety;
- Access road would need to navigate around the historic water pump;
- Children playing on the roundabout and concerns over safety of increased vehicles;
- Affects a Right of Access;
- Increased traffic impacts from two new cars and two new bikes;

#### Tree and Biodiversity Impacts

- Biodiversity impacts;
- Loss of/impact on trees;

#### Drainage and Flooding

- Drainage/sewer impacts;

#### Other Matters

- No.17a The Avenue is not a good comparator for the proposed scheme;
- There is enough development happening in Burwell along Newmarket Road, near by the application site;
- Precedent that the proposals will set;

#### Comments in Support of the Proposals

- Proposals are modest;
- Safe access;
- Good use of land;
- No unacceptable residential amenity impacts;
- Would meet the demand for smaller dwellings.

## 6.0 The Planning Policy Context

### 6.1 *East Cambridgeshire Local Plan 2015*

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

Climate Change

#### *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

#### *Technical Guidance to the National Planning Policy Framework*

Technical housing standards – nationally described space standard

## 7.0 PLANNING COMMENTS

- 7.1 The main issues to consider in the determination of this application are; the principle of development; the impact it may have on the residential amenity of nearby occupiers; the impact it may have on the character and appearance of the area; and the impact it may have on parking and highway safety; as well biodiversity, trees and ecology; flood risk and drainage; climate change; and contamination.

7.2 Principle of Development

- 7.3 The application site lies wholly within the development envelope for Burwell, where Policy GROWTH 2 of the ECDC Local Plan 2015 seeks to permit development within the policy-defined development envelope, provided there is no significant adverse effect on the character and appearance of the area and that all other material planning considerations and relevant Local Plan policies are satisfied. Section 5 and 11 of the National Planning Policy Framework (NPPF) seeks to promote the delivery of a sufficient supply of homes and secure the efficient use of land within settlements.
- 7.4 As set out within the Design Guide SPD, back-land development as proposed will only be considered to be acceptable if the following criterion are met:
- Back land development (one dwelling built behind another) will only be acceptable if supported by a contextual analysis of the locality (particularly with reference to the point below about large houses);
  - There must be sufficient space to allow for an access road to the rear, the width of which may be determined by the status of any adjoining highway;
  - Adequate protection against noise and disturbance must be provided for the host dwelling;
  - Consideration should be given to the inclusion of adjacent land, to avoid piecemeal development. Applications may be refused if it cannot be demonstrated that the possibility of a more comprehensive development has not been explored;
  - The fact that there may be space within the curtilage to construct a dwelling, will not, in itself, be sufficient justification for doing so;
  - There can be no presumption that large houses in extensive curtilages should be able to subdivide the garden ground into smaller plots.
- 7.5 With the submission, the Applicant has provided a contextual analysis of The Avenue and surrounding area. The most notable back-land dwelling within The Avenue is that of No. 17a The Avenue (permitted under LPA Ref. 15/00867/FUL). The planning history section also sets out a number of other permitted applications for traditionally back-land proposals within close proximity to the application site. In light of the above, it would be unreasonable for the LPA to object to the principle of the proposed development on the basis that it comprises back-land development in this instance.
- 7.6 The compliance of the proposals with the other criterion as stipulated within the Design Guide SPD will be discussed elsewhere within this report.
- 7.7 The proposed dwelling would be liable to the Community Infrastructure Levy (CIL), and this payment would be in line with Policy GROWTH 3 and the Developer Contributions SPD.

- 7.8 Policy GROWTH 5 of the ECDC Local Plan 2015 also states that the District Council will work proactively with applicants to find solutions which mean that proposals can be approved wherever possible, and to secure development that improves the economic, social and environmental conditions in the area.
- 7.9 On the above basis, the principle of the proposed development is considered to be acceptable in accordance with Policies GROWTH 2, GROWTH 3 and GROWTH 5 of the ECDC Local Plan 2015, the Design Guide SPD, the Developer Contributions SPD and the guidance contained within the National Planning Policy Framework.
- 7.10 Residential Amenity
- 7.11 Policy ENV 2 of the East Cambridgeshire Local Plan 2015 requires proposals to ensure that there are no significantly detrimental effects on the residential amenity of nearby occupiers. Paragraph 130 of the NPPF requires proposals to ensure that they create safe, inclusive and accessible development which promotes health and wellbeing and provides a high standard of amenity for existing and future users.
- 7.12 The Design Guide SPD requires that, in most cases, rear private amenity space should be a minimum of 50 square metres (538sqft). Where rear inter-visible windows would be likely, the SPD also requires that dwellings be sited 10 metres (33 feet) from the rear boundary, to achieve a sufficient separation distance between properties.
- 7.13 The proposed single-storey dwelling would be modest in its scale and footprint, and would be set off of the shared boundaries with No.14 and No.11 The Avenue. As a result of its scale and location, the proposals are not considered to result in overshadowing, overbearing or loss of light to No.14 or No.11 The Avenue.
- 7.14 As a result of its scale, the proposed dwelling would not contain any habitable room windows at first floor level which would result in the overlooking or loss of privacy of neighbouring dwellings within The Avenue or Carter Road to the north. Whilst the proposed dwelling is sited within 10 metres (33 feet) of the rear site boundary, given its scale it would not result in inter-visible windows with properties along Carter Road, and would not therefore be contrary to the Design Guide SPD. A condition is also recommended to be imposed to prevent the enlargement of the proposed dwellings under Permitted Development rights without the prior written consent of the LPA to prevent insensitive development which may give rise to overlooking or overbearing impacts upon neighbouring properties.
- 7.15 It is implied in neighbour comments that the removal of Permitted Development Rights by way of a condition suggests that the proposals are in themselves unacceptable. Permitted Development Rights are nationally established rights available to most householders, unless these rights have been removed by way of a planning condition or Article 4 direction. These rights are not set by Local Planning Authorities, and the removal of these rights by way of a condition does not suggest that the scheme is itself unacceptable. However, it should also be noted that the use of conditions is at the discretion of the LPA and should be used to enhance development proposals, as well as to mitigate adverse impacts of development, within reason. The removal of Permitted Development Rights by way

of a condition is a very standard approach, and is by no means specific to the current application.

- 7.16 Paragraph 001 Reference ID: 21a-001-20140306 of the National Planning Policy Guidance (NPPG) serves to qualify the above and states: *“When used properly, conditions can enhance the quality of development and enable development to proceed where it would otherwise have been necessary to refuse planning permission, by mitigating the adverse effects. The objectives of planning are best served when the power to attach conditions to a planning permission is exercised in a way that is clearly seen to be fair, reasonable and practicable. It is important to ensure that conditions are tailored to tackle specific problems, rather than standardised or used to impose broad unnecessary controls.”*
- 7.17 The proposed dwelling would be located a sufficient distance (20 metres / 66 feet) from No.14 The Avenue to prevent inter-visible windows between the rear elevation of No.14 The Avenue and the proposed dwelling, as stipulated within the Design Guide SPD.
- 7.18 Photos submitted by neighbouring properties show that views are possible from the upper floor windows of the dwellings along The Avenue onto the application site. A degree of overlooking is accepted in established residential areas, although it is relevant that these views onto the application site would be focused towards the front garden and parking area of the proposed dwelling, and satisfy the separation distances as established within the Design Guide SPD. The proposed dwelling itself would also provide additional screening to the proposed rear private garden from views onto the site.
- 7.19 With regard to the size of gardens provided for the prospective dwelling this would significantly exceed the minimum expected standard of 50 square metres (538sqft) as stipulated within the Design Guide SPD, both with and without tree cover included. The proposed garden retained for No.14 The Avenue also significantly exceeds the 50 square metre (538sqft) minimum, and is comparable to existing gardens within the Avenue.
- 7.20 Neighbour comments have also raised concern with regard to the noise and disturbance associated with vehicle movements in between No.14 and No.11 The Avenue, and to the rear of the properties.
- 7.21 The proposed residential use is considered to be compatible with the residential uses within the area. Whilst the proposals would result in additional inhabitants and noise associated with these uses, the introduction of the residential use is not considered to be harmful in itself.
- 7.22 No.11 The Avenue contains its front door facing onto the side elevation of No.14 The Avenue. The shared boundary between No.14 and No.11 has historically been characterised by dense hedge planting and close-boarded fence. The proposals seek to erect a 1.8 metre (6 foot) close board fence on the boundary of the application site, although specific boundary details will be secured via planning condition. It is considered that the introduction of this fencing, which would be considered permitted development in this location set back from the highway channel, would not result in any greater residential amenity impacts than the

existing fencing and hedge arrangement to the side of No.11 The Avenue. The proposed fence is shown to be 2 metres (6.6 feet) from the side elevation of No.11, which would allow sufficient access to the front door of the property.

- 7.23 No.14 The Avenue contains a ground floor window within its side elevation which serves a non-habitable room (cupboard). The dwelling has its principal ground and first floor outlooks to the rear. In light of the above, as well as the separation distance of the access from No.11 The Avenue and the fencing between the proposed access way and No.11 The Avenue, it is considered that the proposed additional vehicle movements would not result in unacceptable noise or disturbance upon the two dwellings.
- 7.24 The use of gravel to the rear of the application site, whilst not shown on the plans, could give rise to detrimental noise and disturbance and for this reason a condition could be imposed to prevent the use of unbound surfacing within the site for the parking and turning of vehicles, in the interests of residential amenity. The Applicant has shown bound material to be used.
- 7.25 Concern has also been raised by residents over the construction of the proposed dwellings. The Environmental Health Officer has recommended the LPA's standard conditions for construction hours and a condition concerning the piling of foundations. Given the width of the access, it is considered that the delivery of construction vehicles and materials to the site may be more prone to parking within the adopted highway. For this reason, it is considered reasonable to require the applicant to submit a Construction Environmental Management Plan prior to commencement of development to manage the construction process and the impacts upon surrounding residents. This would also give the LPA more control in ensuring construction activities take place in accordance with a number of agreed parameters.
- 7.26 For the reasons provided, it is therefore considered that the proposals accord with Policy ENV2 of the Local Plan 2015, the Design Guide SPD and the guidance contained within the NPPF in respect of residential amenity on the basis of their location, scale and design.
- 7.27 Character and Appearance
- 7.28 Policy ENV2 of the East Cambridgeshire Local Plan 2015 requires that all development proposals are designed to a high quality, enhancing and complementing local distinctiveness and public amenity by relating well to existing features and introducing appropriate new designs. Additionally, 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.
- 7.29 Policy HOU 2 of the ECDC Local Plan 2015 requires that proposals take into account the existing character of the locality and densities of existing development, as well as the need to make efficient use of land; the biodiversity of the site and its surroundings; the need to accommodate other uses such as open space and

parking, the levels of accessibility; and the safeguarding and provision of high levels of residential amenity.

- 7.30 The East Cambridgeshire Design Guide Supplementary Planning Document 2012 states that, in most cases, building plots should be approximately 300 square metres (3229sqft), 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 (538sqft).
- 7.31 The recent updates to the National Planning Policy Framework (July 2021) have also resulted in a higher bar being set for design, whereby all development should seek to achieve beautiful, high-quality, well-designed and sustainable buildings.
- 7.32 With regard to plot density and the impact this would have on the character and appearance of the area, a comparison of other plot sizes in the area is provided in the table (Table 2) (approximate measurements):

	Plot Size	Footprint of Dwelling (not including outbuildings for comparison purposes)	Plot Coverage
No.17a The Avenue (not including access road for comparison purposes)	c.343 square metres (3692sqft)	c.79 square metres (850sqft)	23%
No.17 The Avenue	c.171 square metres (1841sqft)	c.55 square metres (59sqft)	32%
No.15 and No.16 The Avenue	c.450 square metres (4844sqft)	c.60 square metres (646sqft)	13%
No.18 The Avenue	c.350 square metres (3767sqft)	c.50 square metres (538sqft)	14%
<b>Proposed Plot</b>	c.482 square metres (5188sqft)	c.78 square metres (840sqft)	16%

*Table 2 – Plot Size and Coverage Comparison*

- 7.33 From Table 2, whilst not exhaustive, it is demonstrated that the proposed bungalow would sit amongst a number of properties with a variety of plots sizes and plot coverage. The proposed plots would be most comparable in their size and plot coverage to No.17a, permitted by the LPA in 2015. In neighbour comments, a further indicative density assessment has also been provided including more properties within The Avenue, in which it concluded that the average density of properties within The Avenue is c.14.5%. The proposed 16% plot coverage is not therefore considered to be significantly different to this, and would be comparable to existing development within The Avenue.
- 7.34 For this reason, it is considered that the proposals would not be out of keeping with the character and appearance of the area in terms of their plot density and coverage, and would satisfy the guidance as stipulated within the Design Guide SPD and are of a suitable density.

- 7.35 With regard to visibility of the proposals, given their siting to the rear of No.14 The Avenue, the proposals would not be prominent within the street-scene of The Avenue. Whilst the proposed would be visible within the street-scene, the scale and design of the dwelling is considered to be sympathetic and complementary to the existing development of The Avenue. The gable frontage to the bungalow and its scale is considered to be comparable to the existing properties within the street-scene, and the materials palette is considered to reflect materials found elsewhere within the street-scene. The proposed materials palette would work well to create a cohesive and high quality scheme.
- 7.36 Details of the enclosed cycle store have been provided and are considered to be acceptable.
- 7.37 For the above reasons, the introduction of the proposed dwelling is not considered to result in visual harm to the character or appearance of the area, and would provide a complementary development within The Avenue. The proposals are therefore considered to comply with Policies ENV 1, ENV 2 and HOU 2 of the ECDC Local Plan 2015, the Design Guide SPD and the NPPF.
- 7.38 Highways, Parking and Access
- 7.39 Policy COM 8 of the ECDC Local Plan 2015 seeks to ensure that proposals provide adequate levels of parking (two spaces for a dwelling in this location), and Policy COM 7 of the ECDC Local Plan 2015 requires proposals to provide safe and convenient access to the highway network. Section 9 of the NPPF seeks to secure sustainable transport.
- 7.40 The application proposals provide sufficient parking and turning space for the proposed dwelling within the rear portion of the application site. The Local Highways Authority have raised no objection to the parking arrangements for the proposed dwelling.
- 7.41 It is also relevant that No.14 The Avenue does not currently benefit from off-street parking, or a dropped kerb to provide vehicular access to the application site. Parking for the property is provided on the roundabout within the middle of The Avenue. Whilst this is accepted to be an unusual parking arrangement, aerial and street-level imaging demonstrate that it has been utilised as parking for the properties of The Avenue for over a decade for this purpose. It would therefore be unreasonable for the LPA to object to the continued use of the roundabout as parking for No.14 on this basis, but it is also relevant that the proposals would provide opportunity for the host dwelling to benefit from a degree of off-street parking (one space as shown on the submitted plans).
- 7.42 The proposed dwelling would be served via a 3.05 metre wide (10 feet) access road from The Avenue. A wider 5m x 11m (16 feet x 36 feet) passing bay is provided to the south of No.14 The Avenue at the junction of the proposed access with The Avenue, and to the north beyond No.14 The Avenue the access road widens to 3.7 metres (12 foot) in width.
- 7.43 Concern has been raised by local residents with regard to the suitability of the proposed access road and the highway safety implications of this access.



- 7.44 It should be noted that the LHA raise no objection to the proposed access, its width or its alignment. The LHA's comments regarding accordance with Part B5 of Building Regulations (pertaining to access and services for fire services), is in relation to suitable access widths for fire service vehicles. Whilst the proposed access falls below this width, comments from Building Control have confirmed that no objection would be raised on the basis of the access width and fire safety. Cambridgeshire Fire and Rescue have been consulted on the proposal, but have not provided comment.
- 7.45 The applicant has expressed willingness to provide a sprinkler system within the dwelling to abate any fire related safety concerns, and as a safeguarding measure, it is considered necessary to impose this condition.
- 7.46 With regard to the existing right of way of No.15 The Avenue over the rear garden to No.14 and along the proposed access road, concerns have been raised that this would increase pedestrian and vehicle conflict. Occupiers of No.15 The Avenue and the prospective dwellings would be required to walk down the proposed access road in order to access The Avenue and place their bins at the kerbside on collection day. In discussion with the LHA on the previous application on the site for two dwellings, this is not an uncommon arrangement found within residential development, and given the width of the access way proposed, vehicles are likely to be discouraged from travelling at higher speeds.
- 7.47 The LHA have not raised any pedestrian or cyclist safety concerns as a result of the proposals in their formal comments.
- 7.48 Concerns have also been raised regarding the increased vehicular traffic onto The Avenue, and the risks this may pose to children who use the roundabout for recreation. It should be noted that all properties within The Avenue, including the proposed dwelling, benefit from ample rear and private amenity space. The roundabout within The Avenue is not a designated area of open space, and forms part of the public highway. The use of this space for recreation is not therefore considered to be material to the planning proposals.
- 7.49 With regard to pedestrians using The Avenue, the proposals provide sufficient visibility splays as required by the LHA to ensure pedestrian and cyclist safety.
- 7.50 With regard to providing level access to No.15 The Avenue, the right of access is in this instance a civil and legal matter rather than one that can be controlled by the planning system. Notwithstanding, the proposals would make an improvement on the existing right of way over the application site, providing a level and bound surface and dropped kerb onto The Avenue for use by disabled persons.
- 7.51 Concern has also been raised regarding the delineation of the proposed access road proposed. It is relevant that the surfacing materials of these areas are likely to be different, although specific hard surfacing materials will be secured via a condition. These materials will differentiate between access road and pedestrian areas. The LHA have raised no objection to the proposals on this basis.
- 7.52 For the above reasons, the proposals are not considered to result in any adverse highway safety concerns, and the proposals are therefore considered to be

compliant with Policies COM 7 and COM 8 of the ECDC Local Plan 2015 and the NPPF.

7.53 Ecology, Trees and Biodiversity

- 7.54 Policy ENV 7 of the East Cambridgeshire Local Plan, 2015 states that all applications for development that may affect biodiversity and geology interests 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.
- 7.55 The Natural Environment SPD also requires that all new development demonstrates a biodiversity net gain (Policy NE.6).
- 7.56 The application site comprises garden land associated with No.14 The Avenue, and is laid to grass with areas of paving slabs and hard standing. The application site lies within the established urban area of Burwell and is surrounded by residential development on all sides, with a line of established trees along its northern boundary.
- 7.57 The application proposals would not result in the loss of any of these trees specifically to facilitate the development proposals, although it is acknowledged that, due to the overall health of some of these trees as set out within the submitted arboricultural report, the removal of some of the Category C and below trees may be necessary in the future. On the above basis, the LPA would not therefore be seeking any specific replacement trees to be provided within the site. This approach is in accordance with Policy ENV 7 of the ECDC Local Plan 2015 and the Natural Environment SPD.
- 7.58 No concerns have been raised by the Tree Officer regarding the impact of the proposals upon nearby trees, and in particular no concerns have been raised concerning the TPO tree within the rear garden to No.15 The Avenue. Notwithstanding, a condition is to be imposed to ensure that compliance with the submitted tree reports is secured during construction of the proposed dwelling, to protect existing trees within the site.
- 7.59 The proposals have been accompanied by a scheme of biodiversity enhancements and a statement setting out further measures. These measure include the provision of bird boxes; bat boxes and hedgehog holes. A soft landscaping scheme is also provided within the application to provide additional planting within the application site. It is considered that the proposals would therefore be able to demonstrate a biodiversity net gain in accordance with Policy ENV 7 of the ECDC Local Plan 2015 and the Natural Environment SPD.

- 7.60 Concerns have been raised by local residents over the impact of the proposals upon local biodiversity within the site. As the application site comprises garden land associated with No.14 The Avenue, the proposals are not considered to result in the loss of important ecological habitat. All existing trees are to be retained by the proposals, and the biodiversity measures proposed would contribute to supporting and enhancing existing wildlife within the area.
- 7.61 Specific concern has been raised with regard to the impact of the proposals upon bats. The trees to the north of the application site form part of a tree line which extends along the shared boundaries of the properties along The Avenue and Carter Road. These existing properties will already result in a degree of disturbance and light spill upon these trees. Consequently, it is considered that the addition of a single dwelling in this location would not result in a significantly increased level of disturbance or noise spill beyond the existing level so as to detrimentally impact the use of these trees by local bat populations.
- 7.62 Flood Risk and Drainage
- 7.63 Policy ENV8 of the Local Plan 2015 makes it clear that all applications for new development must demonstrate that appropriate surface water drainage arrangements for dealing with surface water run-off can be accommodated within the site. Policy ENV 8 states that all developments and re-developments should contribute to an overall flood risk reduction.
- 7.64 The application site lies within Flood Zone 1 and is therefore at the lowest risk of flooding and where residential development should be focused.
- 7.65 The application proposals would be served by soakaways within the rear gardens to the proposed dwelling as shown on the submitted landscaping plan. Building Control have raised no adverse comments to the application. Soakaways have also been used as an accepted form of surface water drainage within The Avenue for No.17a The Avenue.
- 7.66 Foul drainage is proposed to be diverted to the main sewer. As details of this connection have not been submitted with the application, a condition will be imposed to secure these details.
- 7.67 For these reasons, the proposals are considered to be acceptable in accordance with Policy ENV 8 of the ECDC Local Plan and the Flood and Water SPD.
- 7.68 Other Material Matters
- 7.69 The Scientific Officer has recommended that the imposition of a site investigation for contamination would not be necessary, given the low risk of the application site as residential amenity land. Notwithstanding, it is recommended that a safeguarding condition for unexpected contamination is imposed upon the proposals. The proposals are therefore considered to be acceptable in accordance with Policy ENV 9 of the ECDC Local Plan 2015.
- 7.70 The Council's Climate Change SPD supports Policy ENV 4 of the ECDC Local Plan 2015 in improving efficiency during construction and in development proposals.

The proposals are located in a sustainable location and would be constructed using hard-wearing and high quality materials. The proposals also include the provision of a biodiversity net gain and sustainable drainage measures. On this basis, the proposals are considered to satisfy the above policies given the scale of the development proposed.

7.71 The provision of development along Newmarket Road within Burwell, and concern over precedent, have been raised by members of the public in their objection to the proposals. There is no maximum delivery of housing to be provided throughout the district, and the scheme is considered to contribute to additional choice within the district beyond traditional two-storey and larger dwellings. For the reasons above, the proposal has also been found to contribute positively to this area of Burwell, and would provide the appropriate facilities to support itself.

7.72 Planning Balance

7.73 The application site is located within the development envelope for Burwell, and proposes the erection of a single-storey bungalow in a sustainable location. The proposals would provide a high level of residential amenity for existing and prospective occupiers within and surrounding the application site, and would provide a safe and acceptable means of vehicular and pedestrian access whilst protecting an existing right of access. The proposals further incorporate measures to deliver a biodiversity net gain and protect and enhance existing biodiversity within and surrounding the application site. The proposals are also considered to be acceptable in terms of flood risk, drainage, climate change and contamination. For these reasons, the application is therefore recommended for approval, on the basis that it complies with the policies contained within the ECDC Local Plan 2015, the adopted Supplementary Planning Documents and the NPPF.

8.0 APPENDICES

8.1 Appendix 1 – Recommended conditions

<u>Background Documents</u>	<u>Location</u>	<u>Contact Officer(s)</u>
21/01628/FUL	Holly Chapman Room No. 011 The Grange Ely	Holly Chapman Planning Officer 01353 665555 holly.chapman@eastcamb.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.eastcamb.gov.uk/sites/default/files/Local%20Plan%20April%202015%20-%20front%20cover%20and%20inside%20front%20cover.pdf>

East Cambridgeshire Supplementary Planning Documents

[Supplementary Planning Documents | East Cambridgeshire District Council \(eastcamb.gov.uk\)](http://www.eastcamb.gov.uk/sites/default/files/Supplementary%20Planning%20Documents%20-%20East%20Cambridgeshire%20District%20Council%20-%20Supplementary%20Planning%20Documents.pdf)

## APPENDIX 1 - 21/01628/FUL Conditions

- 1 Development shall be carried out in accordance with the drawings and documents listed below

Plan Reference	Version No	Date Received
Tree Report		9th November 2021
Tree Survey, AIA, TRP and AMS		9th November 2021
Biodiversity Improvements		9th November 2021
Contaminated Land Study		9th November 2021
Planning Statement		9th November 2021
P-6447-01		17th November 2021
P-6447-02		17th November 2021
P-6447-03		17th November 2021
P-6447-04		9th November 2021

- 1 Reason: To define the scope and extent of this permission.
- 2 The development hereby permitted shall be commenced within 3 years of the date of this permission.
- 2 Reason: To comply with Section 91 of the Town and Country Planning Act 1990, as amended.
- 3 In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported to the Local Planning Authority within 48 hours. No further works shall take place until an investigation and risk assessment has been undertaken and submitted to and approved in writing by the Local Planning Authority. Where remediation is necessary, a remediation scheme must be submitted to and approved in writing by the Local Planning Authority. The necessary remediation works shall be undertaken, and following completion of measures identified in the approved remediation scheme a verification report must be prepared, and approved in writing by the Local Planning Authority.
- 3 Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors, in accordance with policy ENV9 of the East Cambridgeshire Local Plan 2015.
- 4 No development shall take place until a scheme to dispose of foul has been submitted to and approved in writing by the Local Planning Authority. The scheme(s) shall be implemented prior to occupation.
- 4 Reason: To prevent the increased risk of flooding and to improve and protect water quality, in accordance with policies ENV2 and ENV8 of the East Cambridgeshire Local Plan 2015. The condition is pre-commencement as it would be unreasonable to require applicants to undertake this work prior to consent being granted and the details need to be agreed before construction begins.

- 5 The sustainable drainage scheme as shown on Drawing Ref. P-6447-04 shall be implemented prior to occupation of the development hereby approved and maintained thereafter.
- 5 Reason: To reduce the impacts of flooding in extreme circumstances on future occupants, in accordance with policies ENV2 and ENV8 of the East Cambridgeshire Local Plan 2015.
- 6 Notwithstanding the provision of Class A of Schedule 2, Part 2 of the Town and Country Planning (General Permitted Development) Order 2015, (or any order revoking, amending or re-enacting that order) no gates, fences or walls shall be erected across the approved vehicular access within 10 metres of the edge of the public highway, as shown on Drawing Ref. P-6447-02.
- 6 Reason: In the interests of highway safety, in accordance with policies COM7 and COM8 of the East Cambridgeshire Local Plan 2015.
- 7 The access shall be a minimum width of 5m, for a minimum distance of 8m measured from the near edge of the highway carriageway and thereafter retained in perpetuity.
- 7 Reason: In the interests of highway safety, in accordance with policies COM7 and COM8 of the East Cambridgeshire Local Plan 2015.
- 8 Prior to first occupation or commencement of use the proposed on-site parking and turning area shall be laid out, demarcated, levelled, surfaced and drained in accordance with the approved plan P-6447-02 and thereafter retained for that specific use.
- 8 Reason: In the interests of highway safety, in accordance with policies COM7 and COM8 of the East Cambridgeshire Local Plan 2015.
- 9 Prior to the commencement of the use hereby permitted visibility splays of 2m x 2m shall be provided each side of the vehicular access measured from and along the back of the footway. Such splays shall thereafter be maintained free from obstruction exceeding 0.6m above the level of the footway
- 9 Reason: In the interests of highway safety, in accordance with policies COM7 and COM8 of the East Cambridgeshire Local Plan 2015.
- 10 The access and all hardstanding within the site shall be constructed with adequate drainage measures to prevent surface water run-off onto the adjacent public highway and retained in perpetuity.
- 10 Reason: To prevent surface water discharging to the Highway, in accordance with policies ENV2, ENV7 and COM7 of the East Cambridgeshire Local Plan 2015.
- 11 Prior to occupation of the hereby approved dwelling, the covered cycle store shall be provided in accordance with the details as shown on Drawing Ref. P-6447-02 and P-6447-03 and thereafter retained for that specific use.

- 11 Reason: Because these details have not been submitted with the application, and to ensure compliance with Policies COM 7 and COM 8 of the East Cambridgeshire Local Plan 2015.
- 12 No above ground construction shall commence until full details of hard landscape works have been submitted to and approved in writing by the Local Planning Authority. These details shall include car parking layouts, hard surfacing materials, lighting, wearing course for the access road and on-plot hard landscaping. The works shall be carried out in accordance with the approved details prior to the occupation of any part of the development or in accordance with an implementation programme submitted to and approved in writing by the Local Planning Authority prior to first occupation, and thereafter maintained in perpetuity unless otherwise agreed in writing with the Local Planning Authority.
- 12 Reason: To safeguard the character and appearance of the area, in accordance with policy ENV2 of the East Cambridgeshire Local Plan 2015, as well as in the interests of highway safety, in accordance with policies COM7 and COM8 of the East Cambridgeshire Local Plan 2015 and in the interests of residential amenity in accordance with policy ENV 2 of the East Cambridgeshire Local Plan 2015.
- 13 All soft landscaping works shall be carried out in accordance with the approved details as shown on Drawing Ref. P-6447-04. The works shall be carried out prior to the occupation of any part of the development or in accordance with a programme agreed in writing with the Local Planning Authority. If within a period of five years from the date of the planting, or replacement planting, any tree or plant is removed, uprooted or destroyed or dies, another tree or plant of the same species and size as that originally planted shall be planted at the same place, unless the Local Planning Authority gives its written consent to any variation.
- 13 Reason: To ensure the longevity of the landscaping scheme, in accordance with policy ENV1 and ENV2 of the East Cambridgeshire Local Plan 2015.
- 14 No above ground construction shall commence until details of the boundary treatments have been submitted to and agreed in writing with the Local Planning Authority. The boundary treatments shall be in situ in accordance with the approved details prior to the occupation of the development hereby approved.
- 14 Reason: To safeguard the character and appearance of the area, in accordance with policy ENV2 of the East Cambridgeshire Local Plan 2015, and in the interests of residential amenity of the prospective occupiers of the dwellings hereby permitted in accordance with Policy ENV 2 of the East Cambridgeshire Local Plan 2015.
- 15 The materials to be used in the construction of the external surfaces of the development shall be either:
  - a. As detailed on the Application Form and Drawing Ref. P-6447-03; or,
  - b. Submitted to and approved in writing by the Local Planning Authority prior to their use in the construction of the development.

All works shall be carried out in accordance with the approved details.

- 15 Reason: To safeguard the character and appearance of the area, in accordance with policy ENV2 of the East Cambridgeshire Local Plan 2015.
- 16 Prior to any work commencing on the site a Construction Environmental Management Plan (CEMP) shall be submitted to and agreed in writing with the Local Planning Authority regarding mitigation measures for noise, dust and lighting during the construction phase. These shall include, but not be limited to, other aspects such as access points for deliveries and site vehicles, and proposed phasing/timescales of development etc. The CEMP shall be adhered to at all times during all phases.
- 16 Reason: To safeguard the residential amenity of neighbouring occupiers, in accordance with policy ENV2 of the East Cambridgeshire Local Plan 2015, and to ensure the proposals comply with Policy COM 7 of the East Cambridgeshire Local Plan 2015 with regard to highway safety.
- 17 Construction times and deliveries, with the exception of fit-out, shall be limited to the following hours: 0730 to 1800 each day Monday - Friday, 0730 to 1300 Saturdays and none on Sundays, Bank Holidays and Public Holidays.
- 17 Reason: To safeguard the residential amenity of neighbouring occupiers, in accordance with policy ENV2 of the East Cambridgeshire Local Plan 2015.
- 18 In the event of the foundations from the proposed development requiring piling, prior to the commencement of development the applicant shall submit a report/method statement to the Local Planning Authority, for approval in writing, detailing the type of piling and mitigation measures to be taken to protect local residents from noise and/or vibration. Noise and vibration control on the development shall be carried out in accordance with the approved details.
- 18 Reason: To safeguard the residential amenity of neighbouring occupiers, in accordance with policy ENV2 of the East Cambridgeshire Local Plan 2015.
- 19 The tree protection measures as shown within the Tree Survey, AIA, TRP and AMS Report prepared by EWP Consultancy LTD (received by the LPA on the 9<sup>th</sup> November 2021) shall be implemented prior to the commencement of development, site works or clearance in accordance with the approved details, and shall be maintained and retained until the development is completed. Within the root protection areas the existing ground level shall be neither raised nor lowered and no materials, temporary buildings, plant, machinery or surplus soil shall be placed or stored thereon. If any trenches for services are required within the fenced areas they shall be excavated and backfilled by hand and any tree roots encountered with a diameter of 25mm or more shall be left unsevered
- 19 Reason: To ensure that the trees on site are adequately protected, to safeguard the character and appearance of the area, in accordance with policies ENV1 and ENV2 of the East Cambridgeshire Local Plan 2015.
- 20 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (or any order revoking and re-enacting that Order with or without modifications), no development within Class(es) A and B of Part 1 of Schedule 2 of the Order shall take place on site unless expressly authorised by planning permission granted by the Local Planning Authority.



- 20 Reason: To safeguard the residential amenity of neighbouring occupiers and the residential amenity of prospective occupiers of the dwellings hereby approved, in accordance with policy ENV2 of the East Cambridgeshire Local Plan 2015.
- 21 The biodiversity improvements as shown on Drawing Ref. P-6447-04 and as set out in the Biodiversity Improvements report prepared by ASJ Architecture Ltd shall be installed prior to the first occupation of the hereby approved development and thereafter maintained in perpetuity.
- 21 Reason: To protect and enhance species in accordance with policies ENV1, ENV2 and ENV7 of the East Cambridgeshire Local Plan 2015 and the Natural Environment SPD, 2020.
- 22 No above ground construction works shall commence until a scheme for domestic automatic sprinkler system (installed in accordance with BS 9251: 2014 or equivalent acceptable standard) is submitted to and agreed in writing with the Local Planning Authority. The hereby approved dwelling shall be occupied until the agreed sprinkler system has been installed and made operational. The sprinkler system shall remain and be maintained in perpetuity.
- 22 Reason: To ensure proper infrastructure for the site in the interests of public safety in that adequate water supply is available for emergency use. This is supported by paragraph 97 of the NPPF.