



EAST CAMBRIDGESHIRE DISTRICT COUNCIL

THE GRANGE, NUTHOLT LANE,
ELY, CAMBRIDGESHIRE CB7 4EE
Telephone: 01353 665555

MEETING: **PLANNING COMMITTEE**

TIME: 2:00pm

DATE: Wednesday, 6th February 2019

VENUE: Council Chamber, The Grange, Nutholt Lane, Ely, CB7 4EE

ENQUIRIES REGARDING THIS AGENDA: Janis Murfet

DIRECT DIAL: (01353) 665555 EMAIL: Janis.murfet@eastcamb.gov.uk

Conservative Members	Liberal Democrat Members	Independent Members:
Cllr Joshua Schumann (Chairman) Cllr Mike Rouse (Vice- Chairman) Cllr Christine Ambrose Smith Cllr David Chaplin Cllr Paul Cox Cllr Lavinia Edwards Cllr Mark Goldsack Cllr Bill Hunt Cllr Stuart Smith	Cllr Sue Austen (Spokes)	Cllr Derrick Beckett
Substitute Members Cllr Elaine Griffin-Singh Cllr Neil Hitchin Cllr Lisa Stubbs	Substitute Members Cllr Lorna Dupré Cllr Christine Whelan	Substitute Members -
Lead Officers: Jo Brooks, Director, Operations Rebecca Saunt, Planning Manager		
Quorum: 5 Members		

PLANNING COMMITTEE TO MEET IN RECEPTION AT THE GRANGE AT 9.40am
(Please note site visit timings are approximate)

A G E N D A

1. Apologies and Substitutions

[oral]

2. **Declarations of Interest**
To receive declarations of interest from Members for any Items on the Agenda in accordance with the Members Code of Conduct **[oral]**

3. **Minutes**
To receive and confirm as a correct record the Minutes of the Planning Committee meeting held on 9th January 2019

4. **Chairman's Announcements** **[oral]**

5. **18/00775/FUL**
Proposed demolition of existing and erection of 2No. 4 bedroom dwellings fronting Cannon Street, 3No. 2 bedroom dwellings and 1No. 3 bedroom dwelling fronting White Horse Lane.

51 Cannon Street, Little Downham, CB25 2SS

Applicant: Mr Jason Constable

Site Visit: NO SITE VISIT

6. **18/00905/FUL**
Part demolition and refurbishment of existing office building. Conversion of existing pool house to a separate dwelling. Demolition of ancillary buildings and the construction of 3No. residential units with associated parking and landscaping.

Vine House, 6 Fair Green, Reach, CB25 0JD

Applicant: Ibsen Jaywalker Estates Ltd

Site Visit: 10.45am

7. **18/01494/OUT**
Construction of 2No. one and half storey dwellings with shared access.

Site West of 137A The Butts, Soham

Applicant: Mr Robert Robinson

Site Visit: 12.20pm

8. **18/01544/OUT**
Proposed single storey dwelling, garaging parking and access.
Site Opposite Perivale, Barcham Road, Soham
Applicant: Mrs D Barcham Stevens
Site Visit: 12.40pm

9. **18/01572/OUT**
Erection of 2No. dwellings (Re-submission).
53 Pound Lane, Isleham, CB7 5SF
Applicant: Mr G Baxter
Site Visit: 12 Noon

10. **18/01575/FUL**
Construction of 4 bed dwelling and garage.
Site Rear of 131 North Street, Burwell
Applicant: Mr & Mrs William Bowles
Site Visit: 11.10am

11. **TPO E/06/18**
Confirmation of Tree Preservation Order E/06/18.
Land at 45 & 47, and rear of 45 & 43 High Street, Cheveley
Applicant: N/A
Site Visit: 10.15am

12. **Planning Performance Report – December 2018**

1.	<p>Members of the public are welcome to attend this meeting. If you are visiting The Grange during normal office hours you should report to the main reception desk, where you will be asked to fill in a visitor's pass that must be worn at all times whilst you are in the building. Please remember to return your pass before you leave.</p> <p>This will not apply if you come to an evening meeting: in this case you will enter via the rear access doors in the glass atrium at the back of the building and a Facilities Assistant will direct you to the room in which the meeting will take place.</p> <p>The maximum capacity for meetings in the Council Chamber has been set by the Fire Officer at 100 persons. Allowing for Member/Officer attendance and room layout constraints, this will normally give a capacity for public attendance of 60 people plus Applicants, Agents, the Press and Registered Speakers.</p> <p>Admittance to the Council Chamber is on a "first come, first served" basis and public access will be from 30 minutes before the start time of the meeting.</p> <p>There are a number of schemes aimed at encouraging public participation in the Council's activities and meetings. These include public question times and a process to enable petitions to be submitted. Details of these can be obtained by calling any of the telephone numbers below or by logging onto the Council's website.</p>
2.	<p>Fire instructions for meetings:</p> <ul style="list-style-type: none"> ▪ If the fire alarm sounds please make your way out of the building by the nearest available exit - i.e. the back staircase or the fire escape in the chamber. Do not to use the lifts. ▪ The fire assembly point is in the front staff car park by the exit barrier. ▪ This building has an auto-call system to the fire services, so there is no need for anyone to call the fire services. <p>The Committee Officer will sweep the area to ensure that everyone is out of this area.</p>
3.	<p>Reports are attached for each agenda item unless marked "oral".</p>
4.	<p>If required all items on the agenda can be provided in different formats (e.g. large type, Braille or audio tape, or translated into other languages), on request, by calling Main Reception on (01353) 665555 or e-mail: translate@eastcambbs.gov.uk</p>
5.	<p>If the Committee wishes to exclude the public and press from the meeting a resolution in the following terms will need to be passed:</p> <p>"That the press and public be excluded during the consideration of the remaining items no. X because it is likely, in view of the nature of the business to be transacted or the nature of the proceedings, that if members of the public were present during the item there would be disclosure to them of exempt information of Categories X Part I Schedule 12A to the Local Government Act 1972 (as Amended)."</p>

MAIN CASE

Reference No: 18/00775/FUL

Proposal: Proposed demolition of existing and erection of 2no. 4 bedroom dwellings fronting Cannon Street, 3no. 2 bedroom dwellings and 1no. 3 bedroom dwelling fronting White Horse Lane.

Site Address: 51 Cannon Street Little Downham Ely Cambridgeshire CB6 2SS

Applicant: Mr Jason Constable

Case Officer: Rebecca Saunt, Planning Manager

Parish: Little Downham

Ward: Downham Villages

Ward Councillor/s: Councillor Anna Bailey
Councillor Mike Bradley

Date Received: 7 June 2018 **Expiry Date:** 11th February 2019

[T193]

1.0 **RECOMMENDATION**

1.1 Members are recommended to APPROVE this application subject to the recommended conditions below. The conditions can be read in full on the attached appendix 1.

- 1 Approved Plans
- 2 Time Limit
- 3 Sample materials
- 4 Foul and Surface water drainage
- 5 Soft landscaping scheme
- 6 Site Characterisation
- 7 Reporting of unexpected contamination
- 8 Biodiversity Improvements
- 9 Construction Environmental Management Plan
- 10 Construction/Delivery Times
- 11 No Burning of Waste
- 12 Archaeological Investigation
- 13 Gates - restriction
- 14 New access - width
- 15 Parking & turning
- 16 Access drainage

- 17 Boundary Treatments
- 18 Soft Landscaping Maintenance
- 19 Tree Protection Measures
- 20 Method Statement Great Crested Newts and Reptiles
- 21 Energy and Sustainability Strategy
- 22 Biodiversity Management Plan

2.0 SUMMARY OF APPLICATION

- 2.1 The proposal seeks consent for the demolition of the dwelling at 51 Cannon Street and the construction of 2no. 4 bedroom dwellings fronting Cannon Street, 3no. 2 bedroom dwellings to the rear and 1no. 3 bedroom dwelling fronting White Horse Lane.
- 2.2 The application is a resubmission of a previously refused application (17/00667/FUL) which was subsequently appealed and dismissed. This application was presented to Planning Committee on the 24th September 2018 and deferred to allow further discussion regarding the Ecological Survey with particular regard to the alleged presence of Great Crested Newts on or near the site. Following the deferral the applicant has submitted amended plans and additional information including:
- Reptile Survey
 - Preliminary Ecological Appraisal
 - Plans to include addition of a wildlife corridor and additional planting
 - Plan showing an amended access and clarified parking arrangement
- 2.3 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.**
- 2.4 The application was called into Planning Committee by Cllr Bailey 'given the number of comments raised by nearby residents and the planning history of the site'.

3.0 PLANNING HISTORY

3.1

17/00667/FUL	Demolition of existing dwelling and construction of 2no. four bedroom two storey detached dwellings, 4no. three bedroom one & a half storey detached dwellings and 1no. three bedroom two storey detached dwelling.	Refused	29.06.2017
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18/00775/FUL – This application was presented to Planning Committee on the 24th September 2018 and deferred to allow further discussion regarding the Ecological Survey with particular regard to the alleged presence of Great Crested Newts on or near the site.

4.0 THE SITE AND ITS ENVIRONMENT

4.1 The application site comprises a vacant plot of land once used as an orchard located just to the south of the development boundary of the village which also forms the boundaries of the rear gardens of 49A, 49 and 51 Cannon Street. These neighbouring dwellings also occupy elevated positions, in respect of the application site, with downward sloping gardens benefiting from mature gardens and hedge growth. Part of the eastern boundary of the site is demarcated by White Horse Lane, a small cul-de-sac serving four dwellings. To the south of the site is open farmland and to the west of the site are small-scale agricultural buildings and residential ancillary structures.

5.0 RESPONSES FROM CONSULTEES

5.1 Responses were received from the following consultees since the last application was presented to Planning Committee and are summarised below. All other consultee responses are contained within the previous Planning Committee report attached at appendix 2. The full responses are available on the Council's web site.

Parish (19th October 2018) – Little Downham Parish Council has concerns regarding the amended application dated 2/10/2018 and unanimously recommended outright refusal for the following reasons:

1. The amended application does not address all the concerns that the Parish Council has previously stated with this proposed development.
2. The developer should not be permitted to submit piecemeal applications. No amendments should be considered or approved until the ECDC Planning Committee's requirement of an Amphibian (Great Crested Newt) Survey has been completed, which cannot take place until Spring 2019 when the Great Crested Newts come out of hibernation in March/April.

Parish Council (25 November 2018) - Little Downham Parish Council had concerns regarding the amended application dated 19/10/2018 and unanimously recommended outright refusal for the following reasons:

1. The amendment does not address the concerns that the Parish Council had express previously regarding this proposed development.
2. No amendments should be considered or approved until ECDC Planning Committee receives an Amphibian (Great Crested Newt) Survey, as requested at the 24/09/18 meeting, which cannot take place until spring 2019 when Great Crested Newts come out of hibernation in March/April. The developer should not be permitted to submit piecemeal applications in the meantime.

3. The Council believes this amendment was an attempt to circumvent the planning committee's request and planning process.

4. The Reptile survey -

- Great Crested Newts are amphibians and not reptiles. This survey cannot be used as a substitute survey for Great Crested Newts.
- The Parish Council believes that the survey was not carried out during the most profitable months of activity for Reptiles, those being April, May and September, but that it was squeezed in at the beginning of the hibernation period, which is mostly October to March. Thus, it resulted in no reptiles being found during the seven visits from 04/10/18 to 12/10/18.
- There are anomalies with the survey report. Table 1 states that the 1st visit was on the 04/10/18, the 2nd was on 02/10/18 and the 7th visit was on 13/10/18 (Pages 6 & 7) and it makes reference to the site being of 7 dwellings (a previous refused application) instead of 6 dwellings (this application).
- The Parish Council questions the results of the survey because of the low and limited experience of the two surveyors (Page 7).

5. The Preliminary Ecological Appraisal -

- The appraisal makes reference that GCNs are known to be present in ponds in Little Downham Local Nature Reserve, of which the closest is 340m south of the site. The Parish Council informs that surveys carried out by Mr Terry Moore, a licensed Triturus cristatus surveyor since 1975, over the past 10 years confirms that GCNs are nesting in Holts Meadow Pond. Great Crested Newts have been seen in adjacent neighbouring properties of the development site, which strongly indicates there would be GNCs on site too. Evidence of GCNs is building up with the Wildlife Trust.
- The appraisal also makes reference to 7 dwellings (a previous refused application) instead of 6 dwellings (this application).

The Parish Council considered its comments based on Members' views and following direct representations from local residents expressing objections in correspondence and attending the Council's meeting.

Parish Council (22 January 2019) - Little Downham Parish Council had concerns regarding the amended application dated 21/12/2018 and unanimously recommended outright refusal for the following reasons:

1. The amendment does not address the concerns that the Parish Council had expressed previously regarding this proposed development, which are still relevant
2. No amendments to this application should be considered or approved by the planning authority until EDCD Planning Committee receives an Amphibian (Great Crested Newt) Survey, as requested at the 24/09/18 meeting, which cannot take place until Spring 2019 and when Great Crested Newts come out of hibernation in

March/April. The developer should not be permitted to submit piecemeal amendments/applications in the meantime.

3. There is growing evidence locally that Great Crested Newts are in neighbouring gardens to the development site and therefore, as a protected species, this amendment and the application should not be approved.

The Parish Council considered its comments following direct representations from local residents expressing objections in correspondence and attending the Council's meeting.

Ward Councillor Anna Bailey

Reptile Survey

Natural England's standing advice for surveying for reptiles is that it should be carried out in April, May and September. If ecologists decide they cannot follow the standing advice, they need to include a statement with the application explaining why - one would expect such an explanation to be a justification as to why the standing advice couldn't be followed.

The Reptile Survey report states that survey visits were undertaken between 4th and 12th October, which is outside of Natural England's standing advice, a point acknowledged within the report. I find the explanation given on page 7 to be unjustified - it is more an explanation as to why the advice doesn't matter in this case than anything else! I believe the real reason is more to do with the convenience of the applicant in relation to the timing of the application rather than with trying to actually establish the presence or absence of reptiles on site, which would both assist the Local Planning Authority to reach a decision based on all material information as well as guide and design suitable mitigation measures. Given that reptiles are known to have been present on site in the past, and given that the habitat is deemed to be suitable, I don't consider the Local Planning Authority has enough information of sufficient robustness to determine the application at this time.

The report incorrectly states that the application is for 7 properties, which leads me to believe they are basing their information on the previous application. Regardless of this, the report acknowledges the NPPF requirement that planning decisions should aim to maintain and enhance, restore or add to biodiversity and geological conservation interests. The report acknowledges the suitable habitat for reptiles and acknowledges their presence in the past and nearby, yet the application does nothing towards the maintenance, enhancement, restoration or addition to biodiversity conservation interests. In fact quite the opposite is true, with the site being given over in its entirety to buildings, hard standing and gardens, none of which are suitable to support reptiles; this is purely down to the over-development and backland nature of the site, an issue which could easily be overcome with a more modest proposal solely fronting Cannon Street. The suggestion in the report that "any available area adjacent to the ditches should be planted with a mix of native species and managed in a low intensity manner to produce rough grassland..." (page 10) and the following suggestion about exploration of log piles are nothing but lip service and cannot be argued to satisfy the requirements of the NPPF in this location.

Preliminary Ecological Appraisal

Natural England's standing advice for Great Crested Newts (GCN) states that surveys for GCNs should be carried out if:

- distribution and historical records suggest newts may be present
- there's a pond within 500 metres of the development, even if it only holds water some of the year
- the development site includes refuges (eg log piles or rubble), grassland, scrub, woodland or hedgerows

The Preliminary Ecological Appraisal acknowledges:

- records show 8 instances of GCNs within 2km of the site
- the site contains suitable habitat for GCNs
- there are multiple ponds within 500 metres of the development
- there is a pond next door with an anecdotal report of GCN presence (the report states that fish are present in this pond, but that does not eliminate the possibility of the presence of GCNs, as per the Natural England standing advice which states: "Great crested newts may be present even if: the site has been ploughed, soil stripped or had ponds filled in within the last 4 years; the breeding pond was destroyed several years ago; the pond is muddy, heavily shaded or vegetated; the pond contains fish; the pond is temporary")
- in relation to the pond next door, the report acknowledges that it cannot rule out the presence of GCNs and it also acknowledges that if the pond did have GCNs present then the outcome of the risk assessment would be red, meaning an offence would be highly likely
- Little Downham Local Nature Reserve which is 220m away from the development site supports a breeding population of GCNs (page 22)
- additional GCNs are present 375m to the north east of the development site
- page 22 references the "residual risk" of GCNs being present on site, and page 29 talks about the status of the surrounding GCN population being uncertain.

There is no justification in the report as to why the author thinks it should not have to follow Natural England's advice and carry out proper surveys for GCNs. Rather, it attempts to bypass the requirement to survey for GCNs altogether. The points above, which come from the report itself, make it absolutely clear that a full GCN survey, in accordance with Natural England's standing advice, must be undertaken before the application is determined by the Local Planning Authority to establish the presence or absence of GCNs.

Like the Reptile Survey report, this report also appraises the site on the basis of 7 dwellings, which is the old application not the new one, which only has 6 dwellings. The report references the National Planning Policy Framework 2012 - the NPPF has been revised in 2018.

In summary, I do not believe that this application currently has sufficient information for it to be determined.

Cambs Wildlife Trust (17th December 2018) - Further to my previous comments on the above planning application, it has now come to my attention that local

residents have reported the potential presence of great crested newts in a pond adjacent to the development. The pond in the adjacent garden was not considered suitable for great crested newts by MKA ecology, and this and other site specific factors contributed to their recommendations for a precautionary approach rather than further surveys.

However, as there is now some uncertainty and reports that newts may in fact be present adjacent to the site (and I understand there may be other nearby garden ponds which do not appear on base maps of the area as well – it would be helpful to know the locations of these), I suggest one of the following approaches may be appropriate, to ensure that no harm to newts results from the proposed development:

- Carry out additional great crested newt surveys of the garden pond(s) in 2019, followed up with mitigation recommendations as appropriate. eDNA surveys could be planned for early in the survey season, and depending on the results of these, further traditional surveys may or may not be needed.
- or
- Based on the assumption that great crested newts may be present, alter the design of the development to retain a corridor of undisturbed habitat as a refuge for newts, linking the south of the site (adjacent to other habitat areas) with the area adjacent to the garden pond.

This would be addition to recommendations 3, 4 and 5 of the MKA report.

I suggest the applicant discuss this further with their ecologist, who should be able to provide updated recommendations.

I also note there were queries as to the timing of the reptile survey. This year, due to the prolonged warm weather, the season when conditions were suitable for reptiles to be active was extended and therefore I consider the survey timing was acceptable.

As per my previous comments, should permission be granted, the development should be undertaken in accordance with the recommendations in section 5 of the Preliminary Ecological Appraisal Report, in order to deliver a net gain in biodiversity. It should be noted that the proposed site plans do not currently appear to have incorporated these recommendations (in particular retention and enhancement of the orchard within the design – retaining orchard trees within private gardens will not achieve this). Therefore, revisions may be necessary to the plans to avoid a net loss in biodiversity.

Cambs Wildlife Trust (11th January 2019) - Further to my previous comments on the above application, I welcome the revised plan submitted which includes additional planting and incorporation of a wildlife corridor into the site layout. However, as this corridor and the previously discussed retained orchard trees are all within what will be private gardens, I remain concerned about how it will be ensured that these habitats are retained and managed in the long term, to ensure that there is no net loss in biodiversity.

I recommend that if permission is granted, a suitably worded condition(s) is attached to require the retention of the orchard trees, enhancement of the wildlife corridor area, and to prevent removal of or damage to these habitats in future. It would be helpful to have an additional written statement making clear the intentions for these areas of habitat and how they should be managed in the long term, to inform such a condition or conditions.

I also recommend that in order to retain these habitats as accessible areas for wildlife, a condition requiring fencing within the development to be permeable to wildlife (i.e. through gaps designed to allow passage of species such as great crested newts and hedgehogs).

5.2 Neighbours – 3 rounds of public consultation have taken place on the 8th and 23rd October and the 28th December 2018 and 40 neighbouring properties were notified and the 22 responses received are summarised below. Comments received prior to the previous Planning Committee can be found in the committee report, attached at appendix 2. A full copy of the responses are available on the Council's website.

Ecology

- How can a survey be conducted for Newts when they are hibernating?
- Inadequate and wrong timing – meaningful surveys must be undertaken;
- Threat to protected species will potentially be a wildlife crime;
- Application accepted by planners with a knowingly flawed Biodiversity Statement;
- Survey completed to satisfy developers needs and does not produce an accurate picture of wildlife/reptiles onsite;
- Survey makes reference to previous planning application and not the current one, irrelevant and should not be accepted;
- Survey conducted over short period of time (2 weeks) at start of hibernation period and not during spring/summer as stated in Natural England's guidelines;
- Wildlife survey meant placing tiles around the site to attract wildlife – as shipping containers on site, unlikely a flimsy tile will attract wildlife. Wood and rubbish piles on site will attract wildlife;
- Little Downham very active area for wildlife and should be protected from over development and backfill into the open countryside;
- Great Crested Newts were seen in the garden of No.5 White Horse Lane in October 2018;
- Undue haste and proposed solution is inadequate;
- Consideration should be deferred until outcome of a properly conducted Spring 2019 survey is known;
- Green space element of the site reduced;
- Healthy population of Great Crested Newts in area looking for suitable habitats and bearing in mind the many back gardens along the south side of Cannon Street could become areas of newt populations – this has never been investigated and a in depth survey should be carried out;
- Will remove last village historic orchard;
- Trees will be in gardens of properties – not sufficient to secure future of natural environment and nothing to stop gardens being paved or un-kept;

- A good population of newts in Holt Pond which I have been monitoring since 2008 and a good chance of occupancy of ponds along Cannon Street if the conditions of the pond are or have been right for them;
- Happy to survey the ponds and share the results;
- There are grass snakes in the area – need to be protected from any heavy machinery or toxic chemicals.

Highways/Parking

- Highways in the past turned down application's as didn't want any more access onto White Horse Lane – where will the cars park?
- Proposed changes to respond to adoptable standards raised at committee meeting in relation to parking and highlights the 3No. 2 bed houses are actually 3 bed properties;
- Applicant claims will reduce level of traffic on road
- Traffic calculations are flawed and will affect people living in area;
- No adequate bus service;
- Will increase amount of light and noise pollution with the internal road being in-line with lounge and bedroom windows;
- No mention of additional parking and safe access for proposed property fronting White Horse Lane;
- White Horse Lane barely capable of coping with existing traffic and additional dwelling will put unnecessary strain on road;
- Refuse collection lorry is too large to gain access to lane;
- Lane already congested and nowhere to park or turn;
- No footpath on White Horse Lane – issues with pedestrian safety;
- Property on White Horse Lane should be removed;
- Increased volume of vehicles;
- Traffic issues on Cannon Street due to incorrect parking scheme;
- Left with unadopted road and rubbish piled on the street;
- Disturbed by engines revving to get up the hill;
- Unsafe junction in Cannon Street;
- Lane not wide enough for two-way traffic;
- No visibility for cars coming out of the development;
- Access to houses 4 and 5's proposed parking appears extremely narrow and unrealistic;
- House 3 does not have a clear defined parking space;
- Insufficient parking for houses 1 and 2;
- Area highlighted for garages behind the 2 houses fronting Cannon Street;
- Who will maintain the road?

Other

- Original comments still remain and have not been addressed;
- Amendment should be considered as part of the full application;
- 46 permitted developments for new houses in Little Downham area, no indication of when they will be completed, why do we need more?
- Full review required by an independent body;
- Fully support comments made by neighbours and Parish Council;
- Site could be easily developed within existing development boundaries;
- No regard for the neighbourhood, village or anything else other than profit;

- Removal of 1 property does not make application any better or suitable;
- Development outside development envelope and no need for housing in Little Downham;
- If it were not for the administrative failings of ECDC the Local Plan would be adopted and planning envelopes would be enforced;
- Efforts would be far better focused on bring forward schemes already approved;
- Multiple errors and misrepresentations within application;
- Worsening outlook from rear of our property which would resemble a car park and encroachment to rear of our property;
- Backfilling and will affect Isle feel of the village from views of Ely, hardening village edge;
- Only bring a moderate economic benefit;
- Adverse impact would significantly outweigh benefits;
- No viable drainage option;
- Partly located on land used for commercial business – so change of use;
- Development will be overlooked by neighbouring properties and loss of privacy;
- Left with an open door that will spread down the whole of Cannon Street;
- Will limit views of the Cathedral from settlement edge;
- Sprawl into the countryside and intrusive on rural landscape;
- Historic Environment Team asked for a written plan to comply with NPPF – this has been ignored;
- Conflicts with ECDC policies and this should be given significant weight.

6.0 The Planning Policy Context

6.1 East Cambridgeshire Local Plan 2015

ENV 1	Landscape and settlement character
ENV 2	Design
ENV4	Energy and water efficiency and renewable energy in construction
ENV 7	Biodiversity and geology
ENV 8	Flood risk
ENV 9	Pollution
ENV14	Sites of archaeological interest
COM 7	Transport impact
COM 8	Parking provision
GROWTH 2	Locational strategy
GROWTH 3	Infrastructure requirements
GROWTH 5	Presumption in favour of sustainable development
HOU 2	Housing density

6.2 Supplementary Planning Documents

Design Guide
 Developer Contributions and Planning Obligations
 Flood and Water

Contaminated Land

6.3 National Planning Policy Framework 2018

- 5 Delivering a sufficient supply of homes
- 9 Promoting sustainable transport
- 12 Achieving well-designed places
- 14 Meeting the challenge of climate change, flooding and coastal change
- 15 Conserving and enhancing the natural environment

6.4 Submitted Local Plan 2018

- 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
- LP16 Infrastructure to Support Growth
- 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

6.5 Planning Practice Guidance

7.0 PLANNING COMMENTS

- 7.1 The application seeks consent for a residential development comprising 6 detached residential dwellings along with access, car parking and associated landscaping following the demolition of the existing building on the site at 51 Cannon Street. Two of the dwellings would front Cannon Street with a further three built in vacant land to the rear, a single dwelling would be constructed off White Horse Lane to the east.
- 7.2 The report which was presented to Planning Committee on the 24th September 2018 is attached at appendix 2 of this report and covers the main considerations of the application in relation to the planning history and principle of development on the site, residential amenity, visual impact, highways safety and parking, ecology and drainage and needs to be read in conjunction with this report.
- 7.3 This report covers the amendments which have been made to the scheme following the deferral at Planning Committee to allow further discussion regarding the Ecological Survey with particular regard to the alleged presence of Great Crested Newts on or near the site and the subsequent comments received as part of the consultation process.
- 7.4 Following the committee deferral amended plans have been received which include the creation of a wildlife corridor connecting the site from east to west and additional planting proposed within the site, following comments received from the Wildlife

Trust. Amendments have also been made to the access road to the rear of the site and the applicant has indicated the car parking spaces for the three units and also introduced a visitor space here as well following comments that were made at the previous Planning Committee meeting.

- 7.5 The applicant has also submitted a Reptile Survey and a Preliminary Ecological Appraisal for the site. All of the information submitted in respect of ecology and biodiversity has been extensively discussed with the Wildlife Trust.

Reptile Survey

- 7.6 The Reptile Survey submitted concludes that no reptiles were found during the survey. However, there are records of reptiles which have been returned from the local records centre and sightings of grass snakes have also been reported by local residents. Therefore there remains a residual risk that reptiles may be present on site. All reptile species are protected by the Wildlife and Countryside Act 1981 and to minimise the risk of harming or killing individuals, a method statement detailing a destructive search will need to be produced and this can be secured by condition. In accordance with the NPPF further enhancements to the design of the overall proposal to try and minimise the impact of the development on the local reptile populations have been recommended in the report and these can be secured by condition.
- 7.7 The Reptile Survey does not cover great crested newts as they are amphibians and not reptiles and at no point has the applicant claimed that this survey is a substitute survey for great crested newts. A lot of comments have been received in relation to the timings of the survey as well and how it has not been undertaken in the months outlined in Natural England's Standing Advice. This has also been raised with the Wildlife Trust and they have advised that due to the prolonged warm weather last year, the season where conditions are suitable for reptiles to be active was extended and therefore they consider the timing of the survey to be acceptable.
- 7.8 The survey does refer to the incorrect number of dwellings proposed. However, this does not impact the outcomes of the survey.

Preliminary Ecological Appraisal

- 7.9 A Preliminary Ecological Appraisal has also been submitted by the applicant. The site consists of vegetation, grassland, scattered trees/orchard, scrub, buildings and hardstanding and is bordered by residential housing, a stable block, a dry ditch, hedgerow and fields. It is considered that the habitats found within the site could potentially support protected species groups, including nesting birds, reptiles and great crested newts.
- 7.10 An ecological desktop study was completed and data provided to the ecologists by Cambridgeshire and Peterborough Environmental Records Centre, which identified a small number of UK and European protected species, species and habitats of principal importance and species of conservation concern within 2km of the site. The data search returned one record of a protected or notable invertebrate within 2km of the site. However, the site did not contain the species common food plant and is therefore considered highly unlikely to support this butterfly species. A total of seven species of birds were recorded during the visit and some of these have the potential to utilize the site for breeding and overwintering. The site contains suitable

breeding bird habitats including scattered trees and therefore the use of the site by breeding birds is considered to be high. However, the report concludes that the likelihood of the site to support important assemblages of bird species, or protected bird species is considered to be negligible.

- 7.11 No records of badger were returned and no evidence of badgers were recorded on site. The building on site is not considered to be suitable to support roosting bats. However, one immature tree could have the potential to support roosting bats and is located just outside the site boundary, on the south side of the dry ditch. Overall the site is considered to provide moderate foraging potential for bats, with the grassland, scrub and fruit trees providing invertebrate foraging opportunities. The site also provides limited commuting potential for bats, with few linear features present. The report concludes that the overall site has low commuting potential, although is well connected to suitable surrounding habitat. The data search also returned one record of a water vole 1.7km east of the site. The ditch which borders the site is currently dry and therefore not suitable habitat for water voles. In 2017 when a previous survey was carried out this ditch was wet and was searched for evidence of water vole, but none was found. Therefore the report concludes that the likelihood of the site to support water vole or otter is negligible. A hedgehog was found nesting on the site and therefore the presence of this protected species is confirmed on the site.
- 7.12 The data search carried out by the ecologists returned eight records of great crested newts within 2km of the site, the closest of these records being 375 metres to the north east. No waterbodies were identified on the application site. The ecologists consulted Ordnance Survey maps and aerial photographs to locate standing waterbodies within 500 metres of the application site. Eleven waterbodies were identified. A garden pond located in an adjacent property was reported to contain great crested newts. The ecologists have confirmed that this pond was not surveyed but appeared to contain fish, have steep sides and limited vegetation and therefore did not provide suitable habitat for great crested newts.
- 7.13 The report concludes that the grassland, ruderal and scrub habitats on site are considered to provide suitable habitat for great crested newts in their terrestrial stage and these are connected to the surrounding suitable habitat by hedgerows and grassy fields. Therefore the overall likelihood of protected amphibians being present on the site is considered to be low to moderate and does caveat that with if they are present in the adjacent property then the risk would be higher.
- 7.14 The Wildlife Trust has reviewed the documents submitted and also the comments which have been received from the Parish Council and neighbours. As there is some uncertainty and reports that newts may in fact be present adjacent to the site the Wildlife Trust advised that the applicant should either carry out additional great crested newt surveys or based on the assumption that great crested newts may be present, alter the design of the proposal to retain a corridor of undisturbed habitat as a refuge for newts, linking the south of the site (adjacent to other habitat areas) with the area adjacent to the garden pond. The applicant submitted amended plans to introduce a corridor of undisturbed habitat, which the Wildlife Trust have reviewed and commented on and welcomed the revised plan. However, they did raise some concerns that these would be within private ownership and how would it be ensured that these habitats are retained and managed in the long term, to ensure that there

is no net loss in biodiversity. The Wildlife Trust has recommended a number of conditions, including the retention of the orchard trees, enhancement of the wildlife corridor area, fencing to be permeable to wildlife and also that the recommendations within the report are adhered to.

7.15 The applicant discussed this with their ecologist who has stated:

“The area designated as the wildlife corridor will provide naturalised habitats for a range of species, including great crested newt. Given the local history and habitat types that are present in the area an orchard habitat will be created along this corridor. This will enhance the site’s biodiversity, and also provide an attractive feature for residents. The area will be planted with a range of fruit trees (ideally local varieties) and seeded with a high species diversity wildflower mix. Management will mirror that of a traditional orchard with the added focus of improving and maximising the species diversity of the grassland below. Flowers will be allowed to set seed before cutting and arisings will be removed from the site to prevent crowding of wildflowers and build-up of nutrients.

It may be useful to provide further comfort to offer a biodiversity management plan to be conditioned. This is fairly common on development sites and would specify how habitats are created, location of bird and bat boxes, and how the biodiversity features will be managed in the long term.”

The Wildlife Trust has advised that this provides the basics and the Biodiversity Management Plan would secure the detail. A reptile and great crested newt method statement will also need to be produced by the applicant prior to the commencement of development to minimise any impact and if a great crested newt is found during works then work must stop immediately and the ecologist or Natural England contacted as a European Protected Species license will have to be obtained. This condition alongside the ones referenced above are all recommended condition and can be read in appendix 1 of this report.

7.16 The Preliminary Ecological Appraisal contains a number of recommendations including bat boxes/bricks, bird boxes, planting of native species, timings for ground clearance and vegetation and building clearance and a condition is recommended to ensure that the development is carried out in accordance with these recommendations. A condition is also recommended that the boundary treatments shall be permeable to wildlife and include through gaps designed to allow passage of species, including great crested newts and hedgehogs, to maintain connectivity across the site.

7.17 Policy ENV7 of the adopted Local Plan 2015 LP30 of the Submitted Local Plan aim to manage, protect, enhance and create habitats. The NPPF states that when determining planning applications if significant harm to biodiversity resulting from the development cannot be avoided, adequately mitigated, or as a last resort compensated for then planning permission should be refused. Following the submission of the reports and the amended plans and extensive discussions with the Wildlife Trust it is considered that the proposal adequately mitigates against the impacts of the proposal and a net gain in biodiversity can be secured by the recommended conditions.

Highways and Parking

- 7.18 A number of comments have been received as part of the re-consultation in relation to highways and parking for both the access and dwellings using Cannon Street and the one dwelling using White Horse Lane. The proposal complies with the parking standards of the Adopted Local Plan and does not include any tandem parking. The Local Highway Authority has also raised no objections to the proposal and advised that the visibility splays are correct for the speed of the road and are located within the highway for both Cannon Street and White Horse Lane.

Other Matters

- 7.19 A view or outlook is not a material consideration and therefore cannot be considered as part of the assessment of an application.

All other matters in relation to the principle of development, residential amenity, visual amenity, flood risk and drainage and other material matters are covered in the initial report attached at Appendix 2.

Planning Balance

- 7.20 The benefits of the scheme have been considered in respect of the three overarching objectives in achieving sustainable development, which are Social, Economic and Environmental (NPPF para 8), the benefits of the scheme would have social and economic dimensions.
- 7.21 The social benefits of the scheme is the provision of 5 additional dwellings that would add to the District's housing stock and provide additional dwellings towards the Council's supply of deliverable housing land. The proposal also includes the replacement of an existing dwelling which will be built to modern standards. Due to the size of the scheme the overall benefit on terms of housing supply is limited, however, this needs to be given due weight in the consideration of the tilted balance. The scheme would also result in 5 additional households in the locality which would provide some benefits in terms of the viability of local services and facilities.
- 7.22 The economic benefits of the scheme include the construction of the dwellings which in itself brings temporary economic benefits, including employment gains. As these would be temporary in nature, the economic benefits of the scheme are afforded limited weight. There will be a beneficial impact on the local economy in terms of the use of local services and facilities and the increase in population may also contribute to the local labour market.
- 7.23 There is also some potential for environmental benefits from the proposal in terms of ecological enhancements.
- 7.24 A lot of concerns have been raised by residents in relation to the biodiversity and ecology implications. The application was deferred at Planning Committee to address this and the applicant has submitted subsequent surveys and amended the scheme to include a wildlife corridor, following discussions with the Wildlife Trust as an alternative to submitting further surveys in the spring time. The Wildlife Trust are satisfied with the proposals and it is considered that they comply with the relevant policies and the NPPF. Whilst this may be considered an adverse impact of the scheme this has to be weighed against the benefits of the proposal.

7.25 The site is situated adjacent to the development boundary and due to its links and close proximity is considered to be in a sustainable location, within walking distance of village facilities and public transport, with links to larger service centres. Given the lack of a 5 year housing land supply and the need it is considered that the benefits of the proposal outweigh any adverse impacts and the proposal is not considered to be significantly and demonstrable harmful and is therefore recommended for approval.

8.0 APPENDICES

Appendix 1 – Recommended Conditions

Appendix 2- Committee Report from 24th September 2018

<u>Background Documents</u>	<u>Location</u>	<u>Contact Officer(s)</u>
18/00775/FUL	Rebecca Saunt Room No. 011	Rebecca Saunt Planning Manager 01353 665555
17/00667/FUL	The Grange Ely	rebecca.saunt@eas tcambs.gov.uk

National Planning Policy Framework -

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/6077/2116950.pdf

East Cambridgeshire Local Plan 2015 -

<http://www.eastcambs.gov.uk/sites/default/files/Local%20Plan%20April%202015%20-%20front%20cover%20and%20inside%20front%20cover.pdf>

APPENDIX 1 - 18/00775/FUL Conditions

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

Plan Reference	Version No	Date Received
Reptile Survey		19th October 2018
Ecological Appraisal		19th October 2018
PL-1-01	C	21st December 2018
PL-1-02	C	21st December 2018
Location		7th June 2018
PL-5-01	A	7th June 2018
PL-3-02	A	7th June 2018
16512-TOPO A		7th June 2018
PL-4-01	A	7th June 2018
PL-3-01	A	7th June 2018
PL-3-03	B	20th June 2018
PL-2-03	B	20th June 2018
PL-3-04	B	20th June 2018
PL-4-02	A	7th June 2018
PL-2-04	B	20th June 2018
PL-2-02	A	7th June 2018
PL-2-01	A	7th June 2018
PL-0-01		7th June 2018

- 1 Reason: To define the scope and extent of this permission.
- 2 The development hereby permitted shall be commenced within 2 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 No above ground construction shall take place on site until details of the walls, roof, windows and doors to be used on the development have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.
- 3 Reason: To safeguard the character and appearance of the area, in accordance with policy ENV2 of the East Cambridgeshire Local Plan 2015 and LP22 of the Submitted Local Plan 2018.
- 4 No development shall take place until a scheme to dispose of surface and foul water has been submitted to and approved in writing by the Local Planning Authority. The scheme(s) shall be implemented prior to first occupation of any dwelling.
- 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 and LP22 and LP25 of the Submitted Local Plan 2018. 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 Prior to first occupation or commencement of use a full schedule of all soft landscape works shall be submitted to and approved in writing by the Local Planning Authority. The soft landscaping schedule shall be in accordance with the details approved in the Biodiversity Management Plan (condition 22) and recommendation 2 in the Retile Survey by MKA Ecology. The schedule shall include, planting plans, a written specification; schedules of plants noting species, plant sizes, proposed numbers/densities; and a detailed implementation programme. It shall also indicate all existing trees and hedgerows on the land and details of any to be retained. The works shall be carried out in accordance with the approved details prior to the end of the first planting season following occupation of the development. 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.
- 5 Reason: To assimilate the development into its surroundings and to protect and enhance species in accordance with policies ENV1, ENV2 and ENV7 of the East Cambridgeshire Local Plan 2015 and LP28, LP22 and LP30 of the Proposed Submission Local Plan 2018.
- 6 No development shall take place until an investigation and risk assessment of the nature and extent of any contamination on the site, whether or not it originates on the site, has been undertaken. The investigation and risk assessment must be undertaken by competent persons, and a written report of the findings must be submitted to and approved in writing by the Local Planning Authority. The report of the findings must include:
 - (i) A survey of the extent, scale and nature of contamination;
 - (ii) An assessment of the potential risks to: human health, property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes; adjoining land; groundwaters and surface waters; ecological systems; archaeological sites and ancient monuments;
 - (iii) An appraisal of remedial options, and proposal of the preferred option(s). This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'. Any remediation works proposed shall be carried out in accordance with the approved details and timeframe as agreed in writing by the Local Planning Authority.
- 6 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 and LP26 of the Submitted Local Plan 2018. The condition is pre-commencement as it would be unreasonable to require applicants to undertake this work prior to consent being granted.
- 7 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.

- 7 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 and LP26 of the Submitted Local Plan 2018.
- 8 The recommendations as listed in Section 5 of the Preliminary Ecological Appraisal, prepared by MKA Ecology and dated 19 October 2018 shall be adhered to and implemented in accordance with the timeframes within the Appraisal. The biodiversity improvements shall be installed prior to the first occupation of the hereby approved development and thereafter maintained in perpetuity.
- 8 Reason: To protect and enhance species in accordance with policies ENV1, ENV2 and ENV7 of the East Cambridgeshire Local Plan 2015 and LP28, LP22 and LP30 of the Proposed Submission Local Plan 2018.
- 9 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.
- 9 Reason: To safeguard the residential amenity of neighbouring occupiers, in accordance with policy ENV2 of the East Cambridgeshire Local Plan 2015 and LP22 of the Submitted Local Plan 2018. The condition is pre-commencement as it would be unreasonable to require applicants to undertake this work prior to consent being granted.
- 10 Construction times and deliveries, with the exception of fit-out, shall be limited to the following hours: 07:30-18:00 each day Monday-Friday, 7:30-13:00 Saturdays and none on Sundays, Public or Bank Holidays.
- 10 Reason: To safeguard the residential amenity of neighbouring occupiers, in accordance with policy ENV2 of the East Cambridgeshire Local Plan 2015 and LP22 of the Submitted Local Plan 2018.
- 11 No burning of waste shall take place on site during the construction or clearance phases.
- 11 Reason: To safeguard the residential amenity of neighbouring occupiers, in accordance with policy ENV2 of the East Cambridgeshire Local Plan 2015 and LP22 of the Submitted Local Plan 2018.

- 12 No development shall take place within the area indicated until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved in writing by the local planning authority.
- 12 Reason: To ensure that any archaeological remains are suitably recorded in accordance with policy ENV14 of the East Cambridgeshire Local Plan 2015 and LP27 of the Submitted Local Plan 2018. The condition is pre-commencement as it would be unreasonable to require applicants to undertake this work prior to consent being granted.
- 13 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 vehicle access, as shown on Drawing PL-1-02 (Rev C).
- 13 Reason: In the interests of highway safety, in accordance with COM7 and COM8 of the East Cambridgeshire Local Plan 2015 and LP17 of the Submitted Local Plan 2018.
- 14 The access shall be a minimum width of 5m, for a minimum distance of 10m measured from the near edge of the highway carriageway and thereafter retained in perpetuity.
- 14 Reason: In the interests of highway safety, in accordance with COM7 and COM8 of the East Cambridgeshire Local Plan 2015 and LP17 of the Submitted Local Plan 2018.
- 15 Prior to first occupation or commencement of use of the development sufficient space shall be provided within the site to enable vehicles to enter, turn and leave the site in forward gear and to park clear of the public highway. The area shall be levelled, surfaced and drained and thereafter retained for that specific use.
- 15 Reason: In the interests of highway safety, in accordance with COM7 and COM8 of the East Cambridgeshire Local Plan 2015 and LP17 of the Submitted Local Plan 2018.
- 16 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.
- 16 Reason: To prevent surface water discharging to the Highway, in accordance with policies ENV2, ENV7 and COM7 of the East Cambridgeshire Local Plan 2015 and LP17, LP22 and LP30 of the Submitted Local Plan 2018.
- 17 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 first occupation of any dwelling. The boundary fencing shall be permeable to wildlife and include through gaps designed to allow passage of species including great crested newts and hedgehogs.
- 17 Reason: To assimilate the development into its surroundings, in accordance with policies ENV1 and ENV2 of the East Cambridgeshire Local Plan 2015 and LP22 and LP28 of the Submitted Local Plan 2018. To protect and enhance species in accordance

with policies ENV1, ENV2 and ENV7 of the East Cambridgeshire Local Plan 2015 and LP28, LP22 and LP30 of the Submitted Local Plan 2018.

- 18 Prior to any occupation of the development, a scheme for the maintenance of the soft landscaping scheme (in accordance with the Biodiversity Management Plan (condition 22) and recommendations of the Ecological Appraisal by MKA Ecology dated 19 October 2018) for a minimum period of ten years from last occupation, shall be submitted to and agreed in writing by the Local Planning Authority. All works shall be maintained in accordance with the agreed scheme. The scheme shall include the following:
 - i) methods for the proposed maintenance regime;
 - ii) detailed schedule;
 - iii) details of who will be responsible for the continuing implementation
 - iv) details of any phasing arrangements
- 18 Reason: To ensure the longevity of the landscaping scheme, in accordance with policy ENV1 and ENV2 of the East Cambridgeshire Local Plan 2015 and LP22 and LP28 of the Submitted Local Plan 2018. To protect and enhance species and deliver a net gain in biodiversity in accordance with policies ENV1, ENV2 and ENV7 of the East Cambridgeshire Local Plan 2015 and LP28, LP22 and LP30 of the Submitted Local Plan 2018.
- 19 No development shall take place until a scheme for the protection during construction of the trees on the site to ensure the retention of the orchard trees, in accordance with BS 5837:2012 - Trees in relation to construction - Recommendations, has been submitted to and approved in writing by the Local Planning Authority. The scheme shall show the extent of root protection areas and details of ground protection measures and fencing to be erected around the trees, including the type and position of these. The protective measures contained with the scheme shall be implemented prior to the commencement of any 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 and protect biodiversity, in accordance with policies ENV1, ENV2 and ENV7 of the East Cambridgeshire Local Plan 2015 and LP22, LP28 and LP30 of the Submitted Local Plan 2018. The condition is pre-commencement in order to ensure that the protection measures are implemented prior to any site works taking place to avoid causing damage to trees to be retained on site.
- 20 Prior to the commencement of development, a detailed reptile and great crested newt method statement shall be submitted to and approved in writing by the Local Planning Authority and implemented in full. The method statement shall be created by a suitably qualified ecologist and include methodology for a destructive search under an ecological watching brief and will instruct construction staff on ecologically safe working practices specific to the site and the development which will minimise the risk of disturbing,

injuring or killing any reptiles or great crested newts if they are present onsite during the works.

- 20 Reason: To protect and enhance species in accordance with policies ENV1, ENV2 and ENV7 of the East Cambridgeshire Local Plan 2015 and LP28, LP22 and LP30 of the Submitted Local Plan 2017. 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.
- 21 Prior to the commencement of development, an energy and sustainability strategy for the development, including details of any on site renewable energy technology and energy efficiency measures, shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved strategy.
- 21 Reason: To ensure that the proposal meets with the requirements of sustainability as stated in policy ENV4 of the East Cambridgeshire Local Plan 2015 and LP24 of the Submitted Local Plan 2018. This condition is pre-commencement as some of the measures may be below ground level.
- 22 Prior to the commencement of development a Biodiversity Management plan based on the information provided by MKA Ecologist in an email dated 15 January 2019 shall be submitted to and approved in writing by the Local Planning Authority. The Biodiversity Management Plan will include details of the enhancement of the wildlife corridor as shown on Drawing No. PL-1-01 Rev C and set out how the removal or damage to these habitats will be prevented.
- 22 Reason: To protect and enhance species and deliver a net gain in biodiversity in accordance with policies ENV1, ENV2 and ENV7 of the East Cambridgeshire Local Plan 2015 and LP28, LP22 and LP30 of the Submitted Local Plan 2018. 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.

MAIN CASE

Reference No: 18/00775/FUL

Proposal: Proposed demolition of existing and erection of 2no. 4 bedroom dwellings fronting Cannon Street, 3no. 2 bedroom dwellings and 1no. 3 bedroom dwelling fronting White Horse Lane.

Site Address: 51 Cannon Street Little Downham Ely Cambridgeshire CB6 2SS

Applicant: Mr Jason Constable

Case Officer: Oli Haydon, Planning Officer

Parish: Little Downham

Ward: Downham Villages
Ward Councillor/s: Councillor Anna Bailey
Councillor Mike Bradley

Date Received: 7 June 2018 **Expiry Date:** 25th September 2018
[T104]

1.0 RECOMMENDATION

1.1 Members are recommended to APPROVE this application subject to the recommended conditions below. The conditions can be read in full on the attached Appendix 1.

- 1 Approved Plans
- 2 Time Limit -FUL/FUM/LBC
- 3 Sample materials
- 4 Surface and Foul Water drainage
- 5 Soft landscaping scheme
- 6 Site Characterisation
- 7 Reporting of unexpected contamination
- 8 Biodiversity Improvements
- 9 Construction Environmental Management PI
- 10 Construction Times
- 11 Burning of Waste
- 12 Archaeological Investigation
- 13 Gates - restriction
- 14 New access - width
- 15 Parking & turning
- 16 Access drainage

- 17 Boundary Treatments
- 18 Landscaping Maintenance
- 19 Tree Protection Measures
- 20 Reptile Mitigation Strategy
- 21 Energy and Sustainability Strategy

2.0 SUMMARY OF APPLICATION

- 2.1 The proposal seeks consent for the demolition of the dwelling at 51 Cannon Street and the construction of 2no. 4 bedroom dwellings fronting Cannon Street, 3no. 2 bedroom dwellings to the rear and 1no. 3 bedroom dwelling fronting White Horse Lane.
- 2.2 The application is a resubmission of a previously refused application 17/00667/FUL) which was subsequently appealed and dismissed.
- 2.3 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.**
- 2.4 The application was called-in to Planning Committee by Cllr Bailey 'given the number of comments raised by nearby residents and the planning history of the site'.

3.0 PLANNING HISTORY

3.1

17/00667/FUL	Demolition of existing dwelling and construction of 2no. four bedroom two storey detached dwellings, 4no. three bedroom one & a half storey detached dwellings and 1no. three bedroom two storey detached dwelling.	Refused (appeal dismissed)	29.06.2017
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4.0 THE SITE AND ITS ENVIRONMENT

- 4.1 The application site comprises a vacant plot of land once used as an orchard located just to the south of the development boundary of the village which also forms the boundaries of the rear gardens of 49A, 49 and 51 Cannon Street. These neighbouring dwellings also occupy elevated positions, in respect of the application site, with downward sloping gardens benefiting from mature gardens and hedge growth. Part of the eastern boundary of the site is demarcated by White Horse Lane, a small cul-de-sac serving four dwellings. To the south of the site is open farmland and to the west of the site are small-scale agricultural buildings and

residential ancillary structures.

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.

Little Downham Parish Council - Little Downham Parish Council had concerns regarding this application and unanimously recommended outright refusal for the following reasons:

1. Development of the site – With the exception of the two dwellings proposed on Cannon Street, the proposal, which is predominantly backland development and outside the development envelope, would result in a loss of privacy to neighbouring dwellings, in particular, nos. 49, 49A and 55 Cannon Street and nos. 5 and 7 White Horse Lane. The proposal would significantly harm the character and appearance of the area and the living conditions of residents adjacent and opposite the development site on Cannon Street and White Horse Lane. These impacts would result in a conflict with policies LP1 and LP2 of the East Cambs Local Plan 2015 and paragraphs 17 and 58 of the National Planning Policy Framework. In addition, planning permission approved in 2017 for 27 dwellings at the east end of Cannon Street negates the need for five additional new dwelling in this rural location.
2. Parking issues – Concern was expressed that insufficient parking spaces had been allocated per dwelling to cater for future residents and visitors. Inevitably, this would result in cars being parked on the access road and on-street parking on Cannon Street, which is a busy thoroughfare used by large farm and haulage vehicles and already subject to regular parking issues. At least, the number of parking space per the number of bedroom of each dwelling would be more appropriate.
3. Site Access - The access road is considered too narrow for the anticipated number of vehicles associated with five new 2-bed and 4-bed dwellings. It is on a slope and has visibility issues to the east due to the adjacent garage of No. 49A. These issues could cause problems for drivers exiting the site, as well as access to and from the site for construction, delivery and emergency vehicles. The anticipated movement of vehicles at night would be detrimental to local residents living opposite the proposed access, as headlights would be shining through their windows. There is no allocated footway for pedestrian access.
4. Proposed dwelling on White Horse Lane – The proposed dwelling would significantly harm the outlook from No. 5 and the living conditions of the occupant due to its size and proximity. The Lane is a single track and considerably narrow. Vehicle movement is very restricted and additional vehicles on this Lane would have a detrimental effect on existing occupants of the Lane. Wheelie bins and bins bags are left on Cannon Street, as the weekly refuse vehicles are unable to venture down the Lane.

5. Loss of natural habitat – Loss of the Orchard (approximately 1.5 ha) would have had a devastating impact on the local wildlife of the area, which is sited a few hundred yards north and west of the Little Downham Local Nature Reserve, which has protected species, such as the Great Crested Newts and Bats. Does the application conform to Policy ENV7 of the Local Plan (2015) in respect of the protection of biodiversity and guidance contained within The National Planning Policy Framework (2012) in respect of undertaking of Appropriate Assessments of Habitats Directive Species?
6. Surface Water Flooding – Concerns were expressed by parishioners regarding existing flooding issues from excess surface water drainage in White Horse Lane. Although appropriate action by installing additional drainage has been taken to alleviate current concerns, albeit it still causes flooding to an adjacent field, development of this site would exacerbate the situation in the future.
7. Outside the development envelope – Although this is not a reason for refusal on its own, it is observed that four of the proposed dwellings are outside of the development envelope and plots 3 – 5 are considered as backland development. Approval of this application could set a precedent for further backland applications into the open countryside.

Additional comments

8. The Parish Council considered its comments following direct representations from seven local residents expressing objections in correspondence.

Ward Councillors – Cllr Bailey requested the application be determined at Planning Committee given the number of comments raised by nearby residents and the planning history of this site.

Local Highways Authority - The Highways Authority has no objections in principle to this application. The visibility splays are correct for this speed of road and are within the highway.

CCC Growth & Development - No Comments Received

Minerals And Waste Development Control Team - No Comments Received

Environmental Health – No objections subject to conditions relating to construction times, construction management, contamination and burning of waste.

Waste Strategy (ECDC) – No objections subject to informatives.

Lead Local Flood Authority - No Comments Received

The Ely Group Of Internal Drainage Board – The Board wish to see a full surface water design strategy report for the site in order to be able to fully comment on this application. The proposed discharge rate from the site should be calculated along

with how the system will be maintained in the future. The applicant will also need to ensure that the receiving watercourse has the capacity to take the proposed run-off.

Cambridgeshire Archaeology – No objections subject to submission of a written scheme of investigation.

5.2 **Neighbours** – Site notice posted, advert placed in the Cambridge Evening News and 29 neighbouring properties were notified and the 24 responses received are summarised below. A full copy of the responses are available on the Council's website.

- Overdevelopment
- Back-building
- Privacy impingement
- No public transport in village
- Harm to nature reserve around the village
- Great Crested Newts identified nearby
- Outside development envelope
- Access to driveway of 90A compromised
- Safety concern for horse riders and cyclists
- Visual impact
- Limited parking
- Cars would have to rev engines to climb the hill
- Headlights impacting on houses opposite site
- No requirement for further housing
- Loss of orchard
- Construction disturbance
- Would lead to cars blocking Cannon St
- Strain on White Horse Lane
- No turning or parking on White Horse Lane
- Loss of views to Cathedral
- High-density
- Out-of-keeping design
- Flooding on the site and drainage issues
- Overlooking

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
- ENV4 Energy and water efficiency and renewable energy in construction

6.2 **Supplementary Planning Documents**

- Design Guide
- Developer Contributions and Planning Obligations
- Flood and Water
- Contaminated Land SPD

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

7.0 **PLANNING COMMENTS**

- 7.0.1 The application seeks consent for a residential development comprising six detached residential dwellings along with access, car parking and associated landscaping following the demolition of the existing building on the site at 51 Cannon Street. Two of the dwellings would front Cannon Street with a further three built in the vacant land to the rear. A single dwelling would be constructed off White Horse Lane to the east.
- 7.0.2 The application is a partial resubmission of 17/00667/FUL that was refused in June 2017. The refusal notice was subsequently appealed and the appeal dismissed. The previous proposal sought consent for seven detached dwellings, as opposed to the six proposed in this application. The application was refused on four grounds:
1. A form of development that is out of character with the established form of development along Cannon Street.

2. Noise and disturbance associated with five additional dwellings to the rear of existing dwellings fronting Cannon Street would give rise to an unacceptable loss of residential amenity to these occupiers.
3. The scale, location and positioning of the dwelling at Plot 7 results in a significant and demonstrably harmful impact on the occupiers of the property at 5 White Horse Lane.
4. Lack of acceptable drainage information

At the appeal of the 2017 application, the planning inspector made the following conclusions:

- Plots 1 and 2 (fronting Cannon Street) would be relatively tall when viewed against the properties on the southern side of the street and set close to one another and their respective boundaries. They would be imposing and comparatively cramped additions to the street scene.
- The uniformity of the layout and appearance of the four houses (to the rear) would have a jarring visual effect that would set the appeal scheme apart from the varied appearance of surrounding development. The appeal scheme would not successfully 'feather' or visually bridge the edge of the village with the countryside beyond. The appeal scheme would significantly harm the character and appearance of the area.
- The appeal scheme would significantly harm the living conditions of the occupants of No 49A Cannon Street and Plot 2 through frequent noise and disturbance at a close proximity and the outlook from No 5 White Horse Lane.
- The appellant demonstrated that there would be an available and workable solution to managing surface water drainage that would reduce the flood risk to an acceptable levels.

7.0.3 The main considerations with the proposal are the principle of development, residential amenity, visual impact, highway safety and parking, ecology and drainage.

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.

7.1.2 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. In this respect, it is recognised that the proposal would make a positive, albeit modest, contribution towards the provision of the housing land supply in the area. In addition, its construction would provide some short term economic benefits and, within this limited this context, can be viewed as supporting the economic dimension

to sustainable development contained within the NPPF which would weigh in some small way in its favour.

7.2 Residential Amenity

- 7.2.1 The proposal involves the construction of two detached dwellings (Plot 1 and 2) fronting Cannon Street, three to the rear (Plot 3, 4 and 5) and one off White Horse Lane to the east (Plot 6). The access drive for the three dwellings to the rear would run between Plots 1 and 2. The parking for Plots 1 and 2 is proposed to the front of the dwellings, off Cannon Street as opposed to at the rear which was previously proposed.
- 7.2.2 The previous scheme proposed the main access road to be between Plot 2 and the neighbouring dwelling at 49A. Furthermore due to the previous parking arrangement, this road catered for six of the seven dwellings, to the significant detriment of the amenity of the residents of 49A Cannon Street and Plot 2. This was due to the access road being sloping and relatively long, leading to the revving of vehicles in low gears as residents leave the site, in close proximity to the sensitive elevation and private areas of 49A Cannon Street.
- 7.2.3 The current proposal however seeks to move the access road between Plots 1 and 2, away from the sensitive receptors at 49A. The road will now serve three dwellings as opposed to six and the side elevations of Plots 1 and 2 contain no side windows to be impacted by revving on the access road. The private amenity spaces of Plots 1 and 2 are shielded from vehicle noise by the large protruding gable-end at the rear to further protect future resident's amenity. The Planning Inspector did not consider glare from headlights on the properties opposite the site to cause significant and demonstrable harm.
- 7.2.4 The presence of the dwelling previously proposed at Plot 7, off White Horse Lane, was not considered to harmfully impact on the outlook of 5 White Horse Lane. However, it was deemed that the two-storey *rear projection* of this proposed dwelling would be disproportionate in its depth and bulky in appearance. This element would project along much of the frontage of No. 5 and harm the outlook. The resubmission has reduced this projection to single-storey and moved away from No.5 to represent a 17m separation from front elevation to the gable-end. It is considered that whilst the outlook of No. 5 continues to be impacted by the proposal, there is a similar relationship between the dwellings to the immediate east and, as stated in the appeal decision, 'Plot 7 would be stepped in from the southern boundary of the site, which could be planted with landscaping that would soften the built form of the dwelling'. A soft-landscaping scheme will be secured by condition to ensure this boundary is softened for the residents of No.5.
- 7.2.5 It is apparent that the main concerns regarding residential amenity have been addressed by a number of amendments on the previous refusal. The access road has been relocated with its usage reduced and the scale of the overbearing dwelling at Plot 6 (previously Plot 7) has been brought within acceptable levels.
- 7.2.6 The current proposal has been assessed for any additional overlooking or overbearing impact that were not previously raised through the appeal process. The impact on 55 Cannon Street is likely to be acceptable due to the lack of any

overlooking windows within Plot 1 and the rear gable element is positioned away from the neighbouring boundary to avoid any harmful overbearing. The similar situation applies between Plot 2 and 49A Cannon Street on the eastern side of the site. Any overlooking within the site itself is considered to fall within acceptable levels and appropriate plot and garden sizes have been provided in accordance with the Design Guide SPD. The proposal would avoid significant and demonstrable harm to the living conditions of nearby occupants and would avoid contravention of Policies ENV2 of the 2015 Local Plan and LP22 of the 2017 Submitted Local Plan.

7.3 Visual Amenity

- 7.3.1 The proposed development is comprised by three main elements, the two dwellings to the front, replacing the existing dwelling at 51 Cannon Street; the three one-and-a-half storey dwellings to the rear of these and the dwelling proposed off White Horse Lane.
- 7.3.2 The dismissed appeal concluded that the dwellings fronting Cannon Street were considered to be overly tall and set close together resulting in a cramped and imposing appearance in the varied street-scene of Cannon Street. Many of the properties in Cannon Street are detached and set in from their side boundaries. This creates spaces in-between the properties for landscaping and the occasional view of Ely Cathedral and the open countryside beyond the village. The current proposal has been reduced in height by 1.8m and the dwellings have been separated by 2.5m. The design proposed exhibits a historic and traditional style (aside from the glazed rear gable, which is obscured from view from Cannon Street). The design of the dwellings has been amended to provide variety between the two plots and contribute to the range of scales and styles present along Cannon Street. The redesigned and repositioned dwellings avoid a stark and discordant appearance within the street-scene and would avoid significant harm to the character of Cannon Street.
- 7.3.3 The three plots to the rear are of a less-traditional appearance, with the topography of the site being utilised within the design to create the illusion of a low height when viewed from the front and a sunken courtyard to the rear to encourage continued far-reaching views of the open countryside for the neighbouring residents. The dwellings would have a minimal impact in the Cannon Street street-scene and be partially visible within the gap created between Plots 1 and 2. The appeal decision stated that the presence of houses would breach the prevailing frontage pattern of development along Cannon Street. 'Nevertheless, there is built development either side of the appeal site with farm buildings to the south west and White Horse lane to the east. There is also another 'backland' site nearby to the east (Reference 16/01385/FUL). Therefore, the ditch to the south of the site can reasonably be considered a natural punctuation. Thus, housing within the central part of the appeal site need not appear as an incongruous intrusion of development into the countryside'. The previously proposed dwellings were overly dense and cramped in appearance; their positioning, layout and tight urban form limited opportunities for landscaping or localised views to soften their appearance.
- 7.3.4 The current proposal however has reduced the number of dwellings, reduced their scale and height and increased separation distances between the plots, as well as,

informalised the layout to position the dwellings at deviating angles to create an irregular form and further reduce the perception of a dense 'backland' development.

7.3.5 Plot 6, off White Horse Lane, will be 1.5 storey and with a traditional appearance. The dwelling will appear as a suitable in-fill development and maintain separation distances that are similar to the other dwellings on the lane to avoid appearing overly cramped in the wider street-scene.

7.3.6 It is considered that the visual impact of the proposed development is acceptable. The dwellings fronting Cannon Street will complement the variety witnessed within the street-scene and the uniquely designed dwellings to the rear are sympathetic to their immediate surroundings and retain the key views of the open countryside and Ely Cathedral enjoyed by the residents along Cannon Street. The dwelling proposed off White Horse Lane will appear as a form of in-fill development and respects the form and density of the dwellings along the lane. A landscaping scheme will be secured by condition and utilise the findings of the accompanying Visual Impact Assessment to further assimilate the proposal into its surroundings.

7.4 Highways

7.4.1 The proposal would be served by a new access road off Cannon Street. The three dwellings to the rear would have parking/turning provided and the parking/turning for the dwellings fronting Cannon Street would be located immediately off the new access road. The access for Plot 6 would be off White Hart Lane, with parking provided off-street. The Local Highways Authority (LHA) have raised no concerns with the proposal and the majority of the dwellings would utilise a parallel parking arrangement.

7.4.2 Concerns have been raised regarding the increase in on-street parking along Cannon Street and the conflict of uses between residents and agricultural traffic using the road. As the site provides policy-compliant levels of off-street parking, these concerns would not warrant outright refusal of the application. The LHA have raised no further concerns regarding vehicle capacity of conflict of uses along Cannon Street.

7.5 Ecology & Trees

7.5.1 The Trees Officer has raised no concerns with the previous proposal and the proposed removal of the trees on site, although they raised concerns regarding overall landscape impact. A landscaping and maintenance scheme shall be secured by condition as will a condition ensuring adequate tree protection measures are adhered to.

7.5.2 An ecological survey was previously submitted which concluded that the buildings, scattered trees and scrub habitats have the potential to support breeding birds. It is considered that by adhering to the timing constraints for the removal of suitable nesting bird habitat, proposed within this report, that the potential for direct disruption and adverse impacts on breeding birds at the Site can be avoided.

- 7.5.3 The site forms an extended garden area of the dwelling at 51 Cannon Street. It is reasonable to consider that a future tenant of the dwelling could mow this area and retain it as garden.
- 7.5.4 No waterbodies were identified on site and the closest record of a Great Crested Newt (GCN) was located 375m to the NE of the site. The Little Downham Local Nature Reserve is located 340m to the south and GCNs are known to be present in this site. The likelihood of protected amphibians being present on the site was considered to be low to moderate. Despite this, and considering local concerns raised during the consultation process a reptile mitigation strategy will be secured by condition to be prepared for the site.
- 7.5.5 The site has scope for significant biodiversity enhancements, including retaining and enhancing the orchard area, native species hedgerow establishment and bird and bat box provisions; the implementation of these will be secured by condition.
- 7.6 Flood Risk and Drainage**
- 7.6.1 Whilst the previous proposal was refused on grounds of inadequate surface water drainage information being submitted, as part of the appeal process significant additional information was provided and no objections were raised by the Lead Local Flood Authority. Infiltration would not be a feasible means of drainage so the submitted strategy appended to the appellant's appeal submissions would involve surface water being directed into the ditch along the southern and western boundaries of the appeal site. The ditch would act as a swale as it would store surface water. The calculations undertaken by the appellant's engineers indicate it would have sufficient capacity even when climate change is factored in. A control would be inserted before the culvert at the eastern end of the ditch so that the discharge from it could be appropriately attenuated.
- 7.6.2 The Planning Inspector was satisfied the appellant has demonstrated that there would be an available and workable solution to managing surface water drainage that would reduce the flood risk to an acceptable level. Thus, the scheme would adequately address the potential risks from surface water flooding and thus adhere to Policy ENV8 of the 2015 Local Plan, LP25 of the Submitted Local Plan 2018 and the guidance in the National Planning Policy Framework and the Flood and Water Supplementary Planning Document.
- 7.6.3 In order to ensure that this stance continues to apply, a surface water drainage scheme shall be secured by condition for scrutiny by the Lead Local Flood Authority and Internal Drainage Board.
- 7.7 Other Material Matters**
- 7.7.1 The site is located within a Mineral Safeguarding Area as identified within the CCC Minerals and Waste Core Strategy (2011). No comments have been forthcoming from CCC and as the site is relatively small is not considered commercially viable to extract the mineral from the site. The applicant has stated that minerals will be retained in situ during the development of the site. The extraction of minerals would also have a detrimental impact on the residential amenities of surrounding residents and therefore this would not be a suitable use for this edge of village site.

- 7.7.2 In order to protect residential amenity during construction, a Construction Environment Management Plan (CEMP) will be secured by condition along with a restriction on construction times and the burning of waste.
- 7.7.3 2015 Local Plan Policy ENV4 and 2017 Submitted Local Plan Policy LP24 require that developments of 5 or more homes are required to achieve Code for Sustainable Homes Level 4 (or its replacement pending implementation of the zero carbon homes requirement). An energy and sustainability strategy will be secured by condition.

7.8 **Planning Balance**

7.8.1 The proposal represents a sustainable form of development on the edge of the settlement of Little Downham. The scheme would provide five additional dwellings and a replacement of the dwelling at 51 Cannon Street. The dwellings would be 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.

7.8.2 The proposal represents a resubmission of a previous refusal on the site; the appeal of which raised a number of issues. This proposal aims to overcome these issues through amendments in the design, layout and access arrangement of the scheme. It is considered that the scheme adequately addresses residential amenity concerns raised as part of the previous scheme and would avoid contravention of Policies ENV2 of the 2015 Local Plan and LP22 of the 2017 Submitted Local Plan. Furthermore, the appearance, layout and density of the scheme has been amended to better sympathise with the surrounding rural area and the built variety seen along Cannon Street. The proposal appropriately feathers the built-edge of the village and acts as a transition between the rural and the urban. It is considered that a drainage strategy of the site can be suitably prepared prior to works commencing on site and a reptile mitigation strategy can safeguard against any harm caused to nearby protected species. The benefits of the scheme are considered to outweigh the level of harm caused and the application is recommended for approval.

8.0 **APPENDICES**

8.1 List of Conditions

<u>Background Documents</u>	<u>Location</u>	<u>Contact Officer(s)</u>
18/00775/FUL	Oli Haydon Room No. 011 The Grange	Oli Haydon Planning Officer 01353 665555
17/00667/FUL	Ely	oli.haydon@eastcambs.gov.uk

National Planning Policy Framework -

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/6077/2116950.pdf

East Cambridgeshire Local Plan 2015 -

<http://www.eastcambs.gov.uk/sites/default/files/Local%20Plan%20April%202015%20-%20front%20cover%20and%20inside%20front%20cover.pdf>

APPENDIX 1 - 18/00775/FUL Conditions

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

Plan Reference	Version No	Date Received
Location		7th June 2018
PL-5-01	A	7th June 2018
16512-TOPO A		7th June 2018
PL-4-01	A	7th June 2018
PL-3-01	A	7th June 2018
PL-3-02	A	7th June 2018
PL-3-03	B	20th June 2018
PL-3-04	B	20th June 2018
PL-4-02	A	7th June 2018
PL-2-04	B	20th June 2018
PL-2-03	B	20th June 2018
PL-2-02	A	7th June 2018
PL-2-01	A	7th June 2018
PL-1-02	A	7th June 2018
PL-1-01	A	7th June 2018
PL-0-01		7th June 2018

- 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 No above ground construction shall take place on site until details of the walls, roof, windows and doors to be used on the development have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.
- 3 Reason: To safeguard the character and appearance of the area, in accordance with policy ENV2 of the East Cambridgeshire Local Plan 2015 and LP22 of the Submitted Local Plan 2017.
- 4 No development shall take place until a scheme to dispose of surface and foul water has been submitted to and approved in writing by the Local Planning Authority. The scheme(s) shall be implemented prior to first occupation of any dwelling
- 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 and LP22 and LP25 of the Submitted Local Plan 2017. 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 Prior to first occupation or commencement of use a full schedule of all soft landscape works shall be submitted to and approved in writing by the Local Planning Authority. The schedule shall include, planting plans, a written specification; schedules of plants noting species, plant sizes, proposed numbers/densities; and a detailed implementation programme. It shall also indicate all existing trees and hedgerows on the land and details of any to be retained. The works shall be carried out in accordance with the approved details prior to the end of the first planting season following occupation of the development. 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.
- 5 Reason: To assimilate the development into its surroundings, in accordance with policies ENV1 and ENV2 of the East Cambridgeshire Local Plan 2015 and LP22 and LP28 of the Submitted Local Plan 2017.
- 6 No development shall take place until an investigation and risk assessment of the nature and extent of any contamination on the site, whether or not it originates on the site, has been undertaken. The investigation and risk assessment must be undertaken by competent persons, and a written report of the findings must be submitted to and approved in writing by the Local Planning Authority. The report of the findings must include:
- (i) A survey of the extent, scale and nature of contamination;
 - (ii) An assessment of the potential risks to: human health, property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes; adjoining land; groundwaters and surface waters; ecological systems; archaeological sites and ancient monuments;
 - (iii) An appraisal of remedial options, and proposal of the preferred option(s).
- This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'. Any remediation works proposed shall be carried out in accordance with the approved details and timeframe as agreed in writing by the Local Planning Authority.
- 6 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 and LP26 of the Submitted Local Plan 2017. The condition is pre-commencement as it would be unreasonable to require applicants to undertake this work prior to consent being granted.
- 7 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

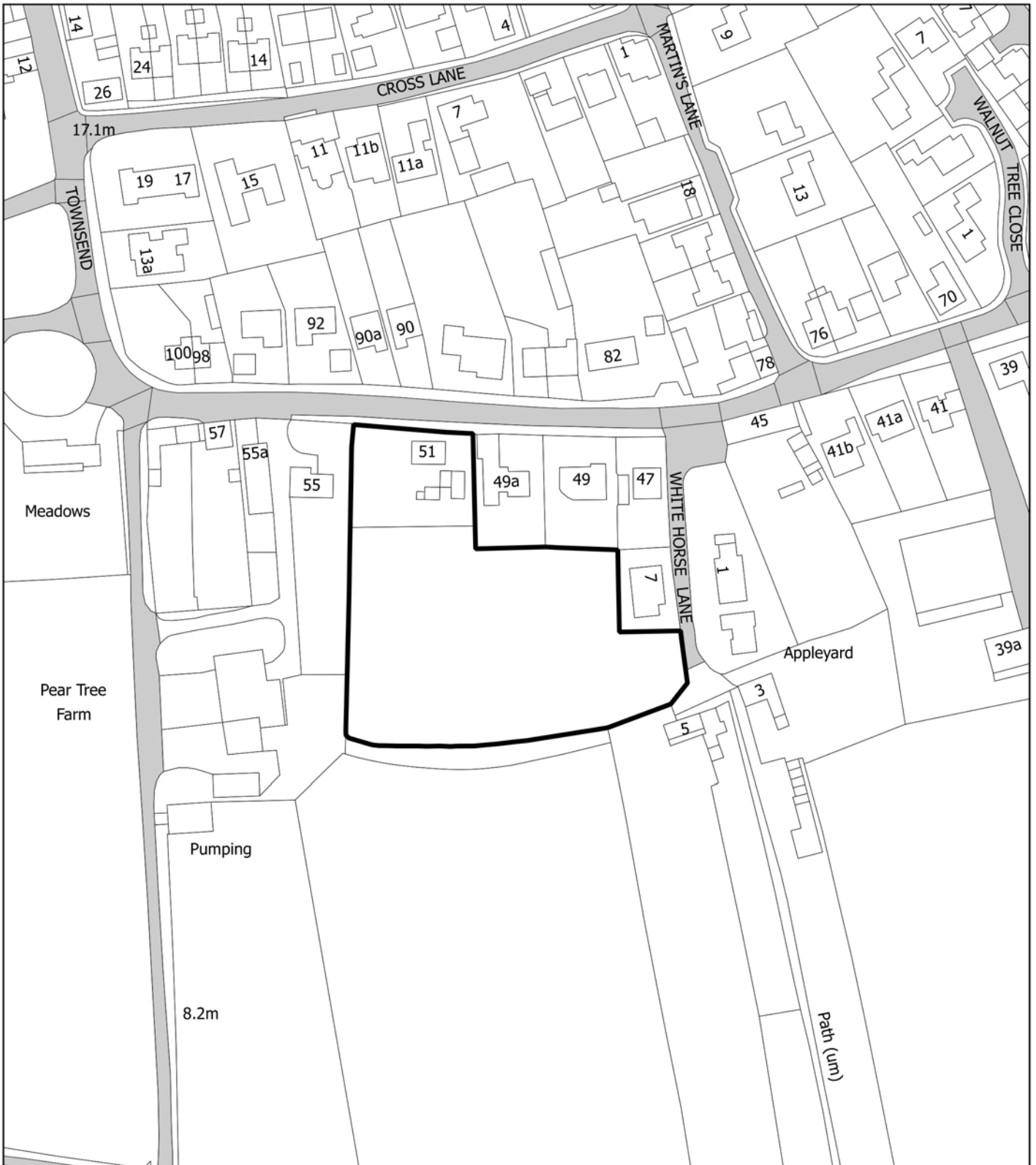
in the approved remediation scheme a verification report must be prepared, and approved in writing by the Local Planning Authority.

- 7 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 and LP26 of the Submitted Local Plan 2017.
- 8 Prior to occupation the biodiversity improvements as listed in Section 5 of the Preliminary Ecological Appraisal, prepared by MKA Ecology and dated May 2017 shall be implemented. The biodiversity improvements shall be installed prior to the first occupation of the hereby approved development and thereafter maintained in perpetuity.
- 8 Reason: To protect and enhance species in accordance with policies ENV1, ENV2 and ENV7 of the East Cambridgeshire Local Plan 2015 and LP28, LP22 and LP30 of the Proposed Submission Local Plan 2017.
- 9 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.
- 9 Reason: To safeguard the residential amenity of neighbouring occupiers, in accordance with policy ENV2 of the East Cambridgeshire Local Plan 2015 and LP22 of the Submitted Local Plan 2017. The condition is pre-commencement as it would be unreasonable to require applicants to undertake this work prior to consent being granted.
- 10 Construction times and deliveries, with the exception of fit-out, shall be limited to the following hours: 08:00-18:00 each day Monday-Friday, 08:00-13:00 Saturdays and none on Sundays, Public or Bank Holidays.
- 10 Reason: To safeguard the residential amenity of neighbouring occupiers, in accordance with policy ENV2 of the East Cambridgeshire Local Plan 2015 and LP22 of the Submitted Local Plan 2017.
- 11 No burning of waste shall take place on site during the construction or clearance phases.
- 11 Reason: To safeguard the residential amenity of neighbouring occupiers, in accordance with policy ENV2 of the East Cambridgeshire Local Plan 2015 and LP22 of the Submitted Local Plan 2017.
- 12 No development shall take place within the area indicated until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved in writing by the local planning authority.

- 12 Reason: To ensure that any archaeological remains are suitably recorded in accordance with policy ENV14 of the East Cambridgeshire Local Plan 2015 and LP27 of the Submitted Local Plan 2017. The condition is pre-commencement as it would be unreasonable to require applicants to undertake this work prior to consent being granted.
- 13 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 vehicle access, as shown on Drawing PL-1-02 (Rev A).
- 13 Reason: In the interests of highway safety, in accordance with COM7 and COM8 of the East Cambridgeshire Local Plan 2015 and LP17 of the Submitted Local Plan 2017.
- 14 The access shall be a minimum width of 5m, for a minimum distance of 10m measured from the near edge of the highway carriageway and thereafter retained in perpetuity.
- 14 Reason: In the interests of highway safety, in accordance with COM7 and COM8 of the East Cambridgeshire Local Plan 2015 and LP17 of the Submitted Local Plan 2017.
- 15 Prior to first occupation or commencement of use of the development sufficient space shall be provided within the site to enable vehicles to enter, turn and leave the site in forward gear and to park clear of the public highway. The area shall be levelled, surfaced and drained and thereafter retained for that specific use.
- 15 Reason: In the interests of highway safety, in accordance with COM7 and COM8 of the East Cambridgeshire Local Plan 2015 and LP17 of the Submitted Local Plan 2017.
- 16 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.
- 16 Reason: To prevent surface water discharging to the Highway, in accordance with policies ENV2, ENV7 and COM7 of the East Cambridgeshire Local Plan 2015 and LP17, LP22 and LP30 of the Submitted Local Plan 2017.
- 17 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 first occupation of any dwelling.
- 17 Reason: To assimilate the development into its surroundings, in accordance with policies ENV1 and ENV2 of the East Cambridgeshire Local Plan 2015 and LP22 and LP28 of the Submitted Local Plan 2017.
- 18 Prior to any occupation of the development, a scheme for the maintenance of the soft landscaping scheme for a minimum period of five years from last occupation, shall be submitted to and agreed in writing by the Local Planning Authority. All works shall be maintained in accordance with the agreed scheme. The scheme shall include the following:
 - i) methods for the proposed maintenance regime;
 - ii) detailed schedule;

- iii) details of who will be responsible for the continuing implementation
- iv) details of any phasing arrangements

- 18 Reason: To ensure the longevity of the landscaping scheme, in accordance with policy ENV1 and ENV2 of the East Cambridgeshire Local Plan 2015 and LP22 and LP28 of the Submitted Local Plan 2017.
- 19 The tree protection measures as shown on TCP_51CCANNONST_2; 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 and LP22 and LP28 of the Submitted Local Plan 2017. The condition is pre-commencement in order to ensure that the protection measures are implemented prior to any site works taking place to avoid causing damage to trees to be retained on site.
- 20 Prior to the commencement of development, a detailed mitigation strategy outlining measures to limit the disturbance of Great Crested Newts shall be submitted to and approved in writing by the Local Planning Authority and implemented in full.
- 20 Reason: To protect and enhance species in accordance with policies ENV1, ENV2 and ENV7 of the East Cambridgeshire Local Plan 2015 and LP28, LP22 and LP30 of the Submitted Local Plan 2017. 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.
- 21 Prior to the commencement of development, an energy and sustainability strategy for the development, including details of any on site renewable energy technology and energy efficiency measures, shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved strategy.
- 21 Reason: To ensure that the proposal meets with the requirements of sustainability as stated in policy ENV4 of the East Cambridgeshire Local Plan 2015 and LP24 of the Submitted Local Plan 2017. This condition is pre-commencement as some of the measures may be below ground level.



18/00775/FUL

51 Cannon Street
Little Downham



East Cambridgeshire
District Council

Date: 23/01/2019
Scale: 1:1,500



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MAIN CASE

Reference No: 18/00905/FUL

Proposal: Part demolition and refurbishment of existing office building. Conversion of existing pool house to a separate dwelling. Demolition of ancillary buildings and the construction of 3No. residential units with associated parking and landscaping.

Site Address: Vine House 6 Fair Green Reach Cambridge CB25 0JD

Applicant: Ibsen Jaywalker Estates Ltd.

Case Officer: Dan Smith, Planning Consultant

Parish: Reach

Ward: The Swaffhams
Ward Councillor/s: Councillor Allen Alderson

Date Received: 12 July 2018 **Expiry Date:** 11 February 2019
[T194]

1.0 **RECOMMENDATION**

1.1 Members are recommended to REFUSE the application for the reason below:

1.1.1 The proposed development would require the widening of the access into the site which would necessitate the removal of a protected lime tree at the entrance to the site which is an important landscape feature. It would also put at risk other trees on the access through widening the access within their root protection areas bringing the access into close proximity to their trunks and branches. There is no opportunity to plant replacement trees elsewhere on site which would provide a similar landscape benefit and the loss of the tree(s) is considered to cause significant harm to the character of the area on the approach to the village and to the visual amenity of the area. This is contrary to policies ENV 1 and ENV2 of the adopted Local Plan and policies LP22 and LP28 of the Submitted Local Plan 2018. The identified harm is considered to significantly and demonstrably outweigh the benefits associated with the development contrary to paragraph 11 of the National Planning Policy Framework 2018.

2.0 SUMMARY OF APPLICATION

- 2.1 The proposal seeks consent for the refurbishment of the existing office at Vine House and conversion of the pool room into a dwelling. Furthermore, the ancillary buildings on the site would be demolished and replaced with 3no. dwellings.
- 2.2 The application was amended to show revisions to the access including a widening of the entrance immediately adjacent to Burwell Road.
- 2.3 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.**
- 2.4 This application has been called in to Planning Committee by Councillor Alderson as he is of the view that the benefits of the housing outweigh any perceived disadvantages.

3.0 PLANNING HISTORY

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| 3.1 | 17/00967/OUT | Erection of 3 dwellings on the frontage of the site to the east of the access to the current application site | Approved | 27 July 2017 |
| | 18/00905/FUL | Outline application for the erection of up to 4 No dwellings on the site to the east | Refused | 15 January 2019 |
- 3.2 Both of the above applications are located in close proximity to the site but are not within the application site.

4.0 THE SITE AND ITS ENVIRONMENT

- 4.1 The application site includes the existing dwelling on the frontage of Fair Green, a pool house (barn) to the side, an office building behind the main dwelling and other outbuildings to the rear. There is land associated with the property to the rear, the northern part of which is garden to the dwelling and the southern portion of which is given over to parking. The dwelling is accessed off the frontage on Fair Green with the remainder of the site accessed from the rear (east) via an unadopted lane which runs north from Burwell Road, across neighbouring land and into the site.
- 4.2 The main site is primarily located within the established development envelope of Reach and its Conservation Area. The access and the main parking area are outside of the envelope to the east. There is a single grade II listed building, the Church of St Ethelreda, within the immediate vicinity of the site, approximately 40 metres to the north of Vine House. It is separated from the site visually by other buildings on Fair Green.

4.3 There is a row of lime trees immediately adjacent to the access way which have recently been protected with a Tree Preservation Order. Several other trees towards the rear of the main site are also the subject of a TPO. The lime tree on the front corner of the access is protected by a separate TPO relating to trees along Burwell Road.

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.

Reach Parish Council – in response to the initial consultation, the Parish Council stated that it would like to make the following comments on the above planning application:

- Overshadowing – Plot 2 is 3m from the boundary and very tall and dark so close to neighbouring houses.
- Overlooking & loss of privacy – Sight lines may affect 1 & 2 Fair Green and there is a potential problem with 1 - 5 Burwell Road.
- Highways issues – Access and safety are an issue. The 90° bend and narrowness of the track is a problem. There are no passing places and these issues will be exaggerated for commercial & emergency vehicles. Bins having to be taken to the Burwell Road and left at the side are also a problem, these are both practical and safety problems. Lack of direct safe pedestrian access to the Green. Residents would have to walk down the track and along the Burwell Road within a 60mph limit, without pavement to get to the village centre. Parking is insufficient with up to 4 cars being parked at right angles to the Green.
- Noise & disturbance – Neighbouring residents are concerned for the increase of traffic noise & activity 7 days a week at a wider range of times.
- Deficiencies in social facilities – Lack of space in local schools and doctor's surgeries.
- Loss of trees – The 2 trees that are to be felled are not necessarily trees of importance, but residents are concerned regarding the loss of privacy.
- Conservation area – The frontage of the building onto the Green, which is on stilts, is not appropriate. Additional parked vehicles on the Green are not acceptable and will have an adverse effect on the look of the Green.
- Layout & density of building design – The new buildings appear tall in comparison to those in the local area. As stated above the stilts design on the Green side is in appropriate. Also, there are too many dwellings in a small area.

It also expressed concern that should any buildings go ahead that work is restricted to only during the working day as the site is close to neighbouring houses.

In response to the consultation on the amended plans it stated that two Reach Parish Councillors had visited the site to measure the area for the widened driveway and had found that the dimensions requested by the LHA were unobtainable. It stated its concern that any attempt to widen the present track would cause damage to the roots of the trees with TPOs. It also stated concerns regarding highway safety, bin storage and collection and visitors and residents parking on Fair Green.

Ward Councillor - the application was referred to the Planning Committee by Councillor Allen Alderson. He states that the change of use would not increase traffic to the site and therefore would not cause harm to the trees protected by TPOs. States his original concerns regarding the safety of the access have been overcome by the proposal to widen the access. States that the benefit of the housing provided outweighs any perceived disadvantage.

Conservation Officer – verbal discussions were held with the Conservation Officer who confirmed her support for the proposed development in terms of its layout, design and impact on the Conservation Area. She suggested conditions were applied in respect of the use of appropriate materials.

Cambridgeshire Archaeology - states that the site is in an area of high archaeological potential and, while not objecting to the proposed development, requests a condition for a Written Scheme of Investigation.

Local Highways Authority – initially objected on the grounds of an inadequate width of access at the junction with Burwell Road and a lack of passing places on site. The application was subsequently amended in an attempt to address the LHA's concerns including the provision of a widened access. The LHA has since stated the access arrangements are acceptable and removed its objection, subject to a condition requiring the provision of the widened access.

ECDC Trees Team - assessed trees within the boundary of the application and adjacent to the development site for suitability to be protected by a tree preservation order (TPO). A new TPO E/04/18 was served and confirmed during the course of the application which covers 4 individual trees and 2 groups of trees, some of which are within the boundary of the development site. The serving of the TPO is in recognition of the amenity value of the trees.

The latest proposals have been considered by the Trees Team which has stated that the proposal would adversely undermine the future and amenity value of trees covered by Tree Preservation Orders. States that the preservation orders have been made to protect a most attractive entrance into the village from Burwell to the east and that the trees contribute significantly to the character and appearance of the village by virtue of their prominent location.

The Trees Team suggests that insufficient consideration has been given to the constraints placed on the new access road by these protected trees and objects to the proposal due to the necessary removal of a TPO Lime tree at the entrance to the access driveway and the likely detrimental impact on trees in the TPO Lime tree belt bordering the access driveway to the site.

CCC Growth & Development - no comments received.

Environmental Health - notes that the residential development would be vulnerable to contamination and requests conditions requiring a scheme of investigation and remediation of contamination and in respect of unanticipated contamination. Also requests a condition regarding construction hours. Notes the location of the site close to a public house, but has no record of noise complaints so does not object.

Suggests that window placement be considered so that noise impact from the pub is minimised.

Waste Strategy (ECDC) - states that residents would be required to bring waste to the site entrance on Burwell Road on the relevant collection day and that the RECAP Waste Management Design Guide defines the maximum distance a resident should have to take a wheeled bin to the collection point as 30 metres. It notes its prerogative to charge for the provision of waste receptacles.

5.2 Public Consultation – A site notice was displayed on the 8th August 2018 and a press advertisement was published in the Cambridge Evening News on the 18th July 2018. 37 local properties were notified on the original application and/or the amendments. Representations were received from the owner/occupiers of 28 properties in Reach, all objecting to the application on some or all of the following grounds:

- Access safety concerns
- Dangerous junction
- Narrow verge for bins
- Noise pollution from residents of the site
- Overdevelopment of the plot
- Backland development
- Impact on trees
- Ecological impact
- No passing places on road
- Road too narrow for emergency vehicles
- No screening proposed
- Drainage concerns
- Landscaping and its ongoing maintenance
- Overly dense
- Unsightly relocation of aerial
- Inappropriate footprint
- Increase parking on Fair Green
- No provision of footway
- Minimal contribution to Conservation Area
- Overlooking
- Climate Change
- Views of broadband mast
- Not right-of-way over land
- Light pollution from dwellings
- Lack of facilities in the village
- Limited infrastructure
- Unaffordability of proposed housing
- Sets a precedent
- Plan inaccuracies
- Access not achievable due to lack of land ownership

6.0 The Planning Policy Context

6.1 East Cambridgeshire Local Plan 2015

GROWTH 1	Levels of housing, employment and retail growth
GROWTH 2	Locational strategy
GROWTH 4	Delivery of growth
GROWTH 5	Presumption in favour of sustainable development
HOU 2	Housing density
COM 7	Transport impact
COM 8	Parking provision
EMP 1	Retention of existing employment sites and allocations
ENV 1	Landscape and settlement character
ENV 2	Design
ENV7	Biodiversity and Geology
ENV 8	Flood risk
ENV 9	Pollution
ENV 11	Conservation Areas
ENV 12	Listed Buildings
ENV 14	Sites of archaeological interest

6.2 Supplementary Planning Documents

Design Guide – Adopted March 2012

Flood and Water – Adopted November 2016

Contaminated Land: Guidance on submitted Planning Application on land that may be contaminated - Adopted May 2010

Developer Contributions and Planning Obligations – Adopted May 2013

6.3 National Planning Policy Framework 2018

Section 2	Achieving sustainable development
Section 4	Decision-making
Section 5	Delivering a sufficient supply of homes
Section 9	Promoting sustainable transport
Section 11	Making effective use of land
Section 12	Achieving well-designed places
Section 15	Conserving and enhancing the natural environment
Section 16	Conserving and enhancing the historic environment

6.4 Submitted Local Plan 2018

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
LP8	Delivering Prosperity and Jobs
LP16	Infrastructure to Support Growth
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
LP27	Conserving and Enhancing Heritage Assets

- LP28 Landscape, Treescape and Built Environment Character, including Cathedral Views
- LP30 Conserving and Enhancing Biodiversity and Geodiversity

7.0 PLANNING COMMENTS

7.1 The main planning considerations are the principle of development; impact on visual amenity; residential amenity; historic environment, highway safety and parking provision; impact on trees, land contamination; flood risk and drainage; and biodiversity.

7.2 Principle of Development

7.2.1 As the Council cannot currently demonstrate a five year supply of deliverable housing sites as required by paras 67 and 73 of the NPPF. The Council's *Five Year Housing Land Supply Report* (November 2018) demonstrates that the Council has a 3.94 year supply of deliverable housing land. As a result, the policies within the Local Plan which relate to the supply of housing, namely GROWTH 2 of the Local Plan and LP3 and of the Submitted Local Plan 2018, should not be considered up-to-date as per paragraph 11.d and footnote 7 of the NPPF. The Supreme Court decision of 10 May 2017 ([2017] UKSC 37 *Suffolk Coastal District Council v Hopkins Homes Ltd*) re-emphasised that where relevant policies are out of date, the "tilted balance" within the NPPF (para 11.d and footnote 7) applies, meaning that permission should be granted 'unless the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed or any adverse impact of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in [the National Planning Policy] Framework taken as a whole'.

7.2.2 The main part of the application site is within the established development envelope of Reach, with the access, garden for plot 4 and the parking for plot 2 outside of the envelope in the countryside. Development envelopes define where policies for the built up areas of settlements give way to policies for the countryside. Policy GROWTH 2 of the adopted Local Plan states that outside of defined development envelopes the only housing development which will be permitted is affordable housing exception schemes where those schemes have no significant adverse impact on the character of the countryside or other Local Plan policies. The current scheme is not an affordable housing exception site, however the built development proposed is located within the development envelope with the access and other ancillary areas being outside. The majority of the development is therefore considered to be in a location which has policy support.

7.2.3 The access, garden and parking, which are outside of the development envelope, are key to delivering an acceptable scheme and their location outside of the development envelope means the development is not in full compliance with policy GROWTH 2. Given the lack of a 5 year supply of available housing land, a balancing exercise therefore needs to be carried out between the adverse impacts and the benefits of the scheme. As part of that balance, in the absence of a five year supply, considerable weight and importance should be attached to the benefit which the proposal brings in terms of delivery of new homes.

- 7.2.4 The detailed impacts of the scheme are considered below followed by the consideration of the benefits, adverse impacts and the planning balance.
- 7.2.5 The existing business use would be retained in a refurbished building on the site and it is considered that the existing business use would not be compromised. The proposal is therefore considered to accord with the requirements of policy EMP1 of the adopted Local Plan 2015 and policy LP8 of the Submitted Local Plan 2018.
- 7.3 Residential Amenity
- 7.3.1 Policies ENV2 of the adopted Local Plan 2015 and LP22 of the Submitted Local Plan 2018 seek to avoid a significantly detrimental effect on the residential amenity of nearby occupiers. The impact of the development on the occupiers of neighbouring dwellings is assessed below in respect of each element of the development.
- 7.3.2 Vine House is remaining unchanged by the proposal and the impact on neighbouring properties would likewise be unchanged.
- 7.3.3 The existing office uses are to be consolidated by the proposal into the existing building to the rear of Vine House. A new formalised parking area is proposed to the east of the building. The internal layout is as existing with the office use continuing. The amenity impact of the use is not considered to be significantly increased by the proposed development and overlooking from the building would remain unchanged.
- 7.3.4 The existing pool room is to be refurbished and converted to a dwelling shown as Plot 1 on the submitted plans. Several roof lights are proposed at first floor serving a bedroom, dressing room, landing and staircase and a large window is proposed in both the front and rear elevations. The existing pool building has a rear window facing onto the rear of the dwellings along Burwell Road and is sited approximately 15m from the rear elevation of 1 Burwell Road. Considering the presence of an existing window on the pool room building and the separation distance, the retention of this window is considered acceptable. The large window to the front overlooks the green and has a minimal impact on amenity. The proposed conversion is unlikely to have an overbearing impact on any residents, as it is an existing building being refurbished.
- 7.3.5 The new dwelling shown as Plot 2 on the submitted plans is the smallest dwelling proposed. It will be sited 10m from the rear elevation of 3 Burwell Road, in the eastern element of the site. The dwelling would be located 3m from the rear boundary of No. 3 and no windows were proposed in that facing elevation, negating any overlooking arising from this dwelling. As the new dwelling would be relatively close to the existing dwelling and its garden, there would be some sense of overbearing from the dwelling on the private amenity space of 1 Burwell Road. However, as the dwelling is located gable end on to the neighbour and of relatively limited scale, the overbearing impact is considered to be within acceptable limits and is not so harmful as to justify refusal. Two narrow dormer windows serve Bedroom 3 of the dwelling which is located 14m from the dwelling at 5 Burwell Road. Considering the size of the windows and the oblique angle at which they are positioned, the overlooking impact is not considered to significantly compromise the

privacy of these residents. The windows on the rear of the dwelling facing south west would not result in any significant overlooking of neighbouring dwellings on Burwell Road due to the oblique angle at which they are set and the screening provided by the rear extension to No. 1 Burwell Road.

- 7.3.6 Plot 3 is sited on the western side of the plot, significantly distanced from neighbouring dwellings (25m from 7 Fair Green, 30m from 11 Fair Green and 24m from 9A Fair Green). The site is located adjacent to the rear parking area of Dyke's End public house. The Environmental Health department has recommended that consideration be given to keeping habitable accommodation away from the elevation facing the public house. Although two bedrooms face onto the parking area of the public house, it is considered that the proposed dwelling would offer an acceptable level of amenity to its occupants. The Environmental Health department has no record of complaints against the public house and the public garden is located to the front of the premises with only a parking area to the rear. Furthermore there are existing dwellings nearer to the pub than that proposed on plot 3 and any future purchasers of the dwelling would be aware of its location next to a public house.
- 7.3.7 Plot 4 is in a similar location to Plot 3, isolated from neighbouring dwellings and in relatively close proximity to Dyke's End public house. A single bathroom window which could be required to be obscurely glazed is proposed on the rear elevation, facing 9A Fair Green (17m away) and the scale proposed is sufficient to avoid a harmfully overbearing impact on any surrounding residents.
- 7.3.8 The impact of the use of the access to serve the properties has been considered in terms of the impact of associated noise on neighbouring properties. It is not considered that a substantial increase in vehicle movements to the office and the three dwellings would be likely to result as the access is currently used by the office. Noise during construction would have the potential to cause amenity issues for neighbours, however, as suggested by the Council EHO, this could be adequately mitigated by a condition restricting hours of construction.
- 7.3.9 In terms of the occupants of the proposed dwellings, each dwelling would have a private garden area in excess of the 50m² minimum suggested by the Design Guide SPD. Two new dwellings also adhere to the suggested plot size of approximately 300m² and the suggested footprint of approximately one third of the plot size. The dwelling achieved through conversion and the dwelling on plot 2 fall below those recommendations, however the dwelling achieved via conversion is constrained by the size of the existing building and the dwelling on plot 2 has windows facing out over the open part of the site to the east providing the plot with a sense of spaciousness even though that land will be communal in use.
- 7.3.10 It is therefore considered that the proposal complies with policy of the adopted Local Plan 2015 and policy LP22 of the Submitted Local Plan 2018 in respect of the impact on residential amenity and is acceptable in terms of the recommendations of the Design Guide SPD.

7.4 Visual Amenity

- 7.4.1 The proposal is comprised of three main elements: the refurbishment of the existing office building; the refurbishment and conversion of the pool room to a dwelling; and the removal of existing outbuildings and construction of 3 new to the rear of the site. The host dwelling at Vine House, which covers the majority of the site frontage, is to be retained as existing. Works to the existing access and removal of some of the trees on site are also proposed.
- 7.4.2 The gable elevation of the pool room forms a prominent rendered feature in the street-scene of Fair Green. The proposal would retain the existing opening points and the rendered façade; a car-port would be constructed in the front elevation in place of the existing garage to provide parking at the front of the site and this is considered acceptable in terms of its impact on the visual amenity of the existing street-scene. The massing and bulk of the proposed dwelling would appear in keeping with the existing structure and the materials palette is sensitive to the wider area. As this is the only element of the site that will have a discernible impact on the public appearance and character of the Conservation Area, weight is given to the fact that the design is kept similar to the existing, albeit refurbished and updated and it is considered an improvement to the overall character and appearance of the Conservation Area and will not cause harm.
- 7.4.3 The existing building at the rear of Vine House, which is currently used as an office, would retain this use and be refurbished using existing materials with new windows and an entrance. An element of the building would be demolished as part of a consolidation of the office uses on the site and the new front elevation has been designed to appear in keeping with the existing architectural vernacular on site. The elevation that faces onto Fair Green would retain its appearance and the refurbishment is considered to enhance the character and appearance of the Conservation Area and would not cause it any harm.
- 7.4.4 The provision of the three new dwellings to the rear of the site would involve the removal of existing outbuildings from the site. The existing cluster of outbuildings gives the character of a site which has developed in depth with agricultural/ancillary buildings behind the main house. To the north of the site, there is a pair of dwellings which are located behind an existing dwelling and the public house.
- 7.4.5 The new dwellings are sited around a central courtyard, with open space to the north east of the site. The dwellings proposed are designed to be barn-like in their form and layout and their scale is modest. This layout and form of development has been chosen to reflect the existing context of the site, as one which has development in depth and reflects the character of the dwellings to the north. The new dwellings would not be located any further back on the site than the existing outbuildings and no further from Fair Green than the existing dwellings to the north. While the new dwellings would result in the development of some existing garden, it is not considered that the development would result in a significant loss of openness or harm to character as the element of the rear of the site which is within the development envelope is already developed in depth with the outbuildings. On that basis, the form and layout of the development is considered to reflect the existing character of the site and be appropriate to the wider context of the surrounding area.

- 7.4.6 The buildings have a range of contemporary design elements including metal-clad low-profile dormers and are mostly timber-clad with clay pantiles and buff brickwork. Due to the very limited views from the public domain, the dwellings would not have a significant impact on the visual amenity of the area, however they are nonetheless considered acceptable in terms of their appearance and siting. The density of the three dwellings is similar to that on Fair Green and Burwell Road and it is considered that the density of the scheme does not constitute overdevelopment of the site; particularly considering that the footprint of the dwellings is similar to the existing buildings which would be removed from the site.
- 7.4.7 The built development of the main site is therefore considered to comply with policies ENV1 and ENV2 of the adopted Local Plan 2015 and policies LP22 and LP28 of the Submitted Local Plan 2018 and is acceptable in terms of the recommendations of the Design Guide SPD.
- 7.4.8 While the proposed development is considered acceptable in terms of the impact of the built development, the impact on visual amenity of the removal of existing trees on the site including to facilitate a widened access is considered unacceptable as detailed in section 7.6 below.
- 7.5 Historic Environment
- 7.5.1 The part of the site which would be developed for the office and housing is within the Reach Conservation Area and within approximately 40 metres of the grade II listed church to the north. The Conservation Officer raised no objections to the proposal and it is considered that the development within the Conservation Area would have an acceptable impact on its character and appearance. The proposal is sympathetic in its scale and choice of materials and would result in several of the buildings within the more prominent part of the Conservation Area being refurbished and upgraded, ensuring their future presence in the street-scene, enhancing the character and appearance of the conservation area.
- 7.5.2 Conditions could be used to ensure the development assimilates well into its sensitive setting and that suitable materials are selected for the dwellings and the office refurbishment. Policies ENV2 and ENV11, ENV12 and ENV14 of the 2015 Local Plan and Policies LP22 and LP27 of the 2018 Submitted Local Plan seek to ensure that proposals make an efficient use of land while respecting village character and the historic environment. It is considered that the scheme preserves the special character and appearance of the Conservation Area and will result in several of the buildings fronting Fair Green to be enhanced visually.
- 7.5.3 The proposed development is within an area identified as being of high archaeological potential. Were permission granted, it is considered that the impact of the proposed development on the archaeological interests of the site could be adequately mitigated by a condition requiring pre-development archaeological investigations.
- 7.5.4 It is therefore considered that the proposal complies with policies ENV2 and ENV11, ENV12 and ENV14 of the adopted Local Plan 2015 and policies LP22, LP28 and

LP27 of the Submitted Local Plan 2018 in respect of the impact on the historic environment.

7.6 Trees

7.6.1 The application site is home to many trees both adjacent to the access and on the main part of the site, several of which are protected by Tree Preservation Orders. In terms of the trees on the main site, it is considered that the proposed layout, while requiring the removal of some of the trees, would be acceptable in terms of the retention of protected trees and that suitable replanting of new trees could mitigate the loss of existing trees.

7.6.2 However, the required access improvements would necessitate the removal of the TPO lime tree at the corner of the rows of TPO lime trees which run parallel to Burwell Road and away from it into the site. The Council's Trees Officer notes that the trees contribute significantly to the character of the eastern entrance into the village and the loss of the tree is considered to cause significant harm to the visual amenity of the area. It is not considered that there is the option to replant a tree elsewhere on site that would offer the same level of amenity, as it would have to be on the main body of the site where its contribution to the character of the area would not be the same. Given the narrowness of the access, there is no way to provide an adequate widened access without removing the tree.

7.6.3 Furthermore the widening of the access, would bring the access within the root protection zone and close to the trunks of other trees on the access. This would put them at risk of damage both to roots and trunks and branches. The view of the Trees Officer is that this is likely to cause long-term harm to other protected trees on the driveway. The application has also not demonstrated how the site would be accessed by construction traffic and deliveries without causing harm to the retained protected trees.

7.6.1 The impact of the loss of the tree which would have to be removed and the likely impact on other protected trees on the drive is considered to be significant in terms of the visual amenity of the area and the character of the approach to the village and would cause significant harm. The proposal is therefore considered to be contrary to policies ENV 1 and ENV2 of the adopted Local Plan and policies LP22 and LP28 of the Submitted Local Plan 2018 which require that development proposals retain existing important landscaping and natural features.

7.6.5 It is therefore considered that the proposed development is unacceptable in that regard.

7.7 Highway Safety and Parking Provision

7.7.1 The application proposes to widen the existing access to 5 metres wide for the 10 metres closest to the adopted highway. The impact of such widening on the existing trees has been dealt with above, however in terms of highway safety, the Local Highways Authority has confirmed that the new arrangements would be sufficient to allow safe access to and egress from the site. The remainder of the access would not be widened until the site opens out and vehicles would not be able to pass on this narrow stretch, however the ability for two cars to pass on the 10 metres closest

to the highway and on the main part of the site, means that there should not be a requirement or likelihood of vehicles needing to reverse onto the highway or otherwise manoeuvre unsafely. The proposed development is therefore considered to be acceptable in terms of its impact on highway safety, subject to a condition for the widened access to be laid out in bound materials.

- 7.7.2 In terms of parking provision, the application proposes to retain two spaces with the existing dwelling, provide two spaces for each new dwelling and five spaces to serve the office building as well as four cycle parking spaces. This is considered to be sufficient provision and while concern has been raised regarding overspill parking in the village, it is likely that the proposed provision would be sufficient for the day-to-day needs of the development. Were permission granted, conditions regarding the laying out of the access and the provision of parking and turning areas and their surfacing could be applied.
- 7.7.3 Pedestrian access to the village would be possible through the existing site. While concern has been expressed regarding the impact of the storage of bins on the frontage on collection day, such arrangements would not be dissimilar to similar situations which exist in many other locations which do not cause undue highway safety implications. The LHA has not objected on that basis and it is considered that adequate provision could be made for refuse collection.
- 7.7.4 It is therefore considered that the proposal complies with policies ENV2, COM7 and COM8 of the adopted Local Plan 2015 and policies LP17 and LP22 of the Submitted Local Plan 2018 in respect of highway safety and parking.
- 7.8 Land Contamination
- 7.8.1 The proposed site is home to barns and outbuildings as well as land formerly associated with the main dwelling. The proposed intensive residential end use is sensitive to contamination, particularly in gardens of new dwellings and the Council's EHO has suggested a scheme of contamination investigation due to the sensitive end use as well as a condition regarding unanticipated contamination. It is considered that were development being permitted, the proposed conditions would give sufficient protection in this case.
- 7.8.2 It is therefore considered that the proposal complies with policy ENV9 of the adopted Local Plan 2015 and policy LP26 of the Submitted Local Plan 2018 in respect of the risks of land contamination.
- 7.9 Flood Risk and Drainage
- 7.9.1 The site is located entirely within Flood Zone 1 meaning it is at a low risk of flooding. The application form states that surface water would be disposed of via a Sustainable Drainage System and foul water drainage would be achieved by connecting to the mains sewer. There is no obvious impediment to providing adequate drainage in that manner and were permission granted, conditions requiring the submission of detailed drainage arrangements and their implementation could be applied to ensure suitable drainage of the development.

- 7.9.2 It is therefore considered that the proposal complies with policies ENV2 and ENV8 of the adopted Local Plan 2015 and policies LP22 and LP25 of the Submitted Local Plan 2018 in respect of its susceptibility to, and impact on, flood risk and the drainage measures proposed.
- 7.10 Biodiversity
- 7.10.1 The site contains both buildings and trees which would be converted or removed in order to facilitate the development and which have the potential to provide habitat for birds, bats and other wildlife.
- 7.10.2 The application includes a Preliminary Ecological Appraisal (PEA) which identifies two of the existing buildings as containing bat roosts and that the site supports foraging and commuting bats. It recommends three Phase 2 bat emergence surveys be carried out and reports than one has already been carried out. This provided confirmation of the conclusions of regarding roosting in the two buildings identified and other foraging activity on the wider site. Two further surveys would be undertaken and mitigation proposals finalised based on their findings, however the report suggests appropriate mitigation measures may include removing roofing by hand, the need for a license to remove bat roosts, the provision of enhanced bat roosts within the site and bat friendly planting. The mitigation of additional lighting from the scheme on bat foraging is also recommended.
- 7.10.3 The PEA also identifies the suitability of existing roof spaces and planting, some of which would be affected by the development, for bird nesting. It suggests the avoidance of bird breeding season for site set-up or the surveying of individual features prior to work being undertaken on them. It also recommends the provision of bird nest boxes on site. Mitigation of the construction on hedgehogs is also recommended as is the use of boundary treatments which allow easy movement for hedgehogs and other small mammals.
- 7.10.4 Based on the submitted PEA, it is considered that the proposed development would require significant mitigation proposals to be put in place prior to development, but that adequate measures could be specified which would mitigate the impact on protected and other species and would provide a net biodiversity enhancement on site. Were permission granted, the further bat emergence surveys and necessary mitigation and enhancement could be secured through a condition requiring a scheme of enhancement to be submitted and approved by the LPA.
- 7.10.5 It is therefore considered that the proposal complies with policies ENV1, ENV2 and ENV7 of the adopted Local Plan 2015 and policies LP22 and LP30 of the Submitted Local Plan 2018 in respect of the protection and enhancement of biodiversity.
- 7.11 Other Matters
- 7.11.1 Application documents and plans make reference to the relocation of the existing broadband mast and equipment to a location on the application site. However, the description of development on the application form omits the relocation of the mast and equipment and the submitted design and access statement makes it clear that the relocation would need to be the subject of a separate application. Therefore, while the plan shows a space retained for the relocation of the mast and equipment,

the approval of the current application would not grant permission for the relocation of the mast and an informative would be applied to any permission making that explicit.

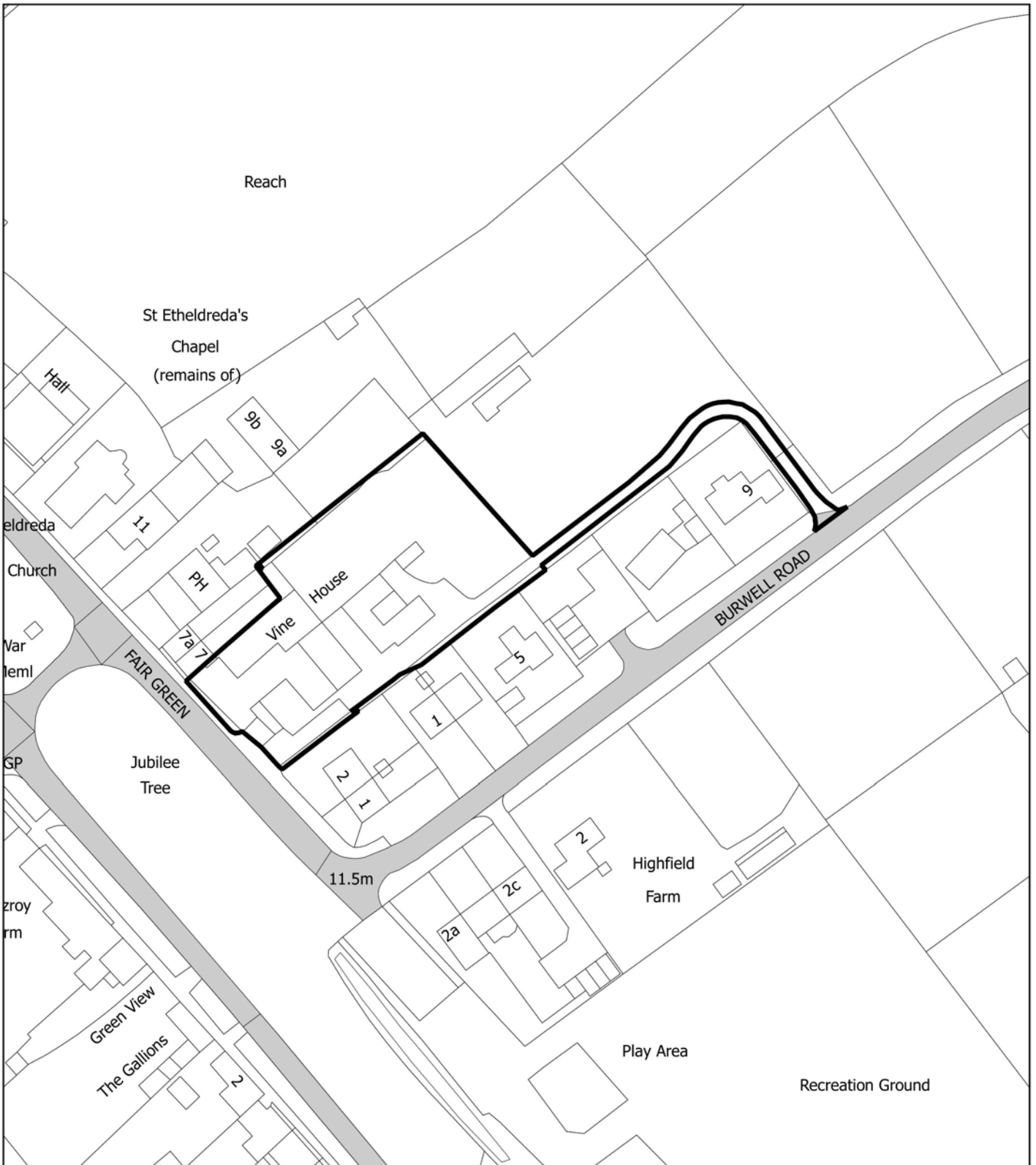
- 7.11.2 Concern has been raised regarding the separate ownership of the land over which the access is provided and the potential that the applicant would not be able to agree a right of access to the dwellings. While the lack of an agreement might potentially constrain the delivery of the development, this is a matter which is outside of planning control and is not considered to be a reason to refuse the application.
- 7.12 Planning Balance
- 7.12.1 The benefits of the scheme have been considered in respect of the three overarching objectives in achieving sustainable development, which are Social, Economic and Environmental (NPPF para 8), the benefits of the scheme would have social and economic dimensions.
- 7.12.2 The social benefits of the scheme are the provision of four dwellings which would add to the District's housing stock and provide additional dwellings towards the Council's supply of deliverable housing land. Given that no affordable housing would be provided there is no additional benefit in terms of meeting affordable housing needs. At four dwellings, the limited size of the scheme means that the overall benefit in terms of housing supply is relatively limited, however this benefit should be given due weight in the consideration of the tilted balance. The scheme would also result in four additional households in the locality which would provide some benefit in terms of the viability of local services and facilities. Given the contribution of such facilities to social wellbeing, it is considered that this benefit has a social dimension. Again, however, the limited scale of the development consequently limits the benefit derived from it in terms of the viability of local services and facilities.
- 7.12.3 The economic benefits of the scheme would include the construction of four houses which would bring about temporary economic benefits, including the employment gains extending from the construction of the site. As these would be temporary in nature, the economic benefits of the scheme from construction are afforded relatively limited weight. There would also be a beneficial impact on the local economy in terms of the use of local services and facilities, however due to the small scheme size, the benefit is likely to be relatively limited. The increase in population may also contribute a limited benefit to the local labour market.
- 7.12.4 There is some potential for some limited environmental benefit from the scheme in the form of ecological enhancement on site resulting from the development.
- 7.12.5 The proposed development is largely located in the development envelope in accordance with requirements of policy GROWTH 2. The access, garden and parking area are located outside of the development envelope but are necessary to facilitate a scheme which is otherwise compliant with policy GROWTH 2. Given the lack of a five year housing land supply and the need it is not considered that the location of those elements outside of the envelope causes harm which would significantly and demonstrably outweigh the benefits provided by the housing.

- 7.12.6 The adverse impacts of the scheme would be the harm it would cause to the existing protected trees on site, which are considered to be of sufficient quality and amenity value that they have been protected by TPO, and the consequent harm to the visual amenity of the area
- 7.12.7 In weighing the benefits and adverse impacts on the tilted balance, as required under paragraph 11 of the NPPF, the benefits of the scheme are considered to be relatively limited, given the small scheme size, although this limited benefit is given significant weight due to the lack of a five year supply of deliverable housing sites. The adverse impact identified in terms of the loss of at least one visually important protected tree and the consequent harm to the character and appearance of the area is considered to be significant. The identified harm would conflict with the environmental objective of sustainable development and other NPPF policies including the need to achieve well-designed places (para 127) and is considered to be so great that it significantly and demonstrably outweighs the limited benefits which would be derived from the provision of the dwellings. As a result, the consideration of the scheme on the tilted balance indicates that the proposed development should be refused.

<u>Background Documents</u>	<u>Location</u>	<u>Contact Officer(s)</u>
18/00905/FUL	Dan Smith Room No. 011 The Grange Ely	Dan Smith Planning Consultant 01353 665555 dan.smith@eastca mbs.gov.uk

National Planning Policy Framework -
https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/6077/2116950.pdf

East Cambridgeshire Local Plan 2015 -
<http://www.eastcambs.gov.uk/sites/default/files/Local%20Plan%20April%202015%20-%20front%20cover%20and%20inside%20front%20cover.pdf>



18/00905/FUL

Vine House
6 Fair Green
Reach



East Cambridgeshire
District Council

Date: 23/01/2019
Scale: 1:1,200



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MAIN CASE

Reference No: 18/01494/OUT

Proposal: Construction of 2no. one and half storey dwellings with shared access

Site Address: Site West Of 137A The Butts Soham Cambridgeshire

Applicant: Mr Robert Robinson

Case Officer: Dan Smith, Planning Consultant

Parish: Soham

Ward: Soham South
Ward Councillor/s: Councillor Hamish Ross
Councillor Ian Bovington
Councillor Dan Schumann

Date Received: 24 October 2018 **Expiry Date:** 11 February 2018
[T195]

1.0 **RECOMMENDATION**

1.1 Members are recommended to REFUSE the application for the reason below:

1.1.1 The proposed development would, by virtue of its location in the countryside on part of an open agricultural field which provides a key transition between the residential area to the east and the open countryside to the west, cause significant harm to the established rural character and appearance of the area. The visual harm would be exacerbated by the prominence of the site in public views. This identified harm would significantly and demonstrably outweigh the benefits derived from the provision of two dwellings, contrary to policies ENV 2 and Growth 2 of the adopted Local Plan 2015, policies LP3, LP22 and LP28 of the Submitted Local Plan 2018 and paragraph 11 of the National Planning Policy Framework 2018.

2.0 **SUMMARY OF APPLICATION**

2.1 The application seeks outline planning permission for the erection of two one and a half storey dwellings. The application is outline with all matters reserved meaning the approval of the detailed matters of access, layout, scale, appearance and landscaping would be reserved for future consideration.

- 2.2 The application has been referred to Planning Committee at the request of Councillor Dan Schumann.
- 2.3 The full planning application, plans and documents submitted by the Applicant can be viewed online via East Cambridgeshire District Council's Public Access online service, via the following link <http://pa.eastcambs.gov.uk/online-applications/>. **Alternatively a paper copy is available to view at the East Cambridgeshire District Council offices, in the application file.**

3.0 PLANNING HISTORY

- 3.1 Historic planning permissions (91/00676/OUT, 94/00827/OUT, 94/00826/OUT, 94/00821/AGN, 97/00789/FUL) exist for the erection of the existing dwelling (137a) and the associated agricultural buildings. There is no recent planning history relevant to the current application.

4.0 THE SITE AND ITS ENVIRONMENT

- 4.1 The application site is an area of paddock land fronting Cherrytree Lane. It is located to the west of an existing cluster of dwellings around the intersection of Cherrytree Lane and The Butts. To the west of the site is open countryside. To the rear of the site is an agricultural building with an agricultural appearance in metal sheeting. The site is part of a larger paddock area enclosed by an open post and rail fence to the east and west boundaries and a post and tape fence to the frontage. There is a gravelled vehicle access immediately to the east of the site which crosses a ditch which runs along the frontage of the application site.
- 4.2 The site is not within a conservation area and there are no listed buildings close by that would be affected by the proposed development. The site is level and entirely within Flood Zone 1. It is outside of the established development envelope of Soham and is approximately 250m from the nearest extent of the envelope.

5.0 RESPONSES FROM CONSULTEES

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

Local Highways Authority – states it has no objection to the proposed development. It requests conditions in respect of the provision of the passing place, the restriction of gates close to the highway and the provision of adequate parking and turning on site.

CCC Growth & Development - no comments received

Environmental Health – notes that the residential development would be vulnerable to contamination and requests conditions requiring a scheme of investigation and remediation of contamination and in respect of unanticipated contamination. Also notes the presence of the railway line to the site but does not require a noise

assessment and suggests an informative that potential residents of the scheme are made aware of the potential for rail noise to be heard at the properties.

Waste Strategy (ECDC) - states it will not enter private property to collect waste receptacles and notes its prerogative to charge for the provision of waste receptacles.

Cadent Gas – initially noted the location of gas pipelines within the vicinity of the site and requested that the application not be determined until

The Ely Group Of Internal Drainage Board – states that the development is within the Middle Fen and Mere Internal Drainage District and that provided the soakaways are effective it does not object to the development. It states that it must be reconsulted if there was any need to discharge surface water into any watercourse in the district. It notes the requirement for the culverting of the ditch to the front of the site to provide access and that its consent would be required for any such works.

Cambridgeshire Archaeology – states that the site is in an area of high archaeological potential and, while not objecting to the proposed development, requests a condition for a Written Scheme of Investigation.

Soham Parish Council – states it has no concerns with or objections to the application.

Ward Councillors – the application was referred to the Planning Committee by Councillor Dan Schumann.

5.2 Public Consultation – A site notice was displayed on the 7th November 2018 and a press advertisement was published in the Cambridge Evening News on the 31st October 2018. No neighbouring properties were consulted on the application. No representations have been received in respect of the application.

6.0 The Planning Policy Context

6.1 *East Cambridgeshire Local Plan 2015*

GROWTH 1	Levels of housing, employment and retail growth
GROWTH 2	Locational strategy
GROWTH 3	Infrastructure requirements
GROWTH 5	Presumption in favour of sustainable development
HOU 2	Housing density
ENV 1	Landscape and settlement character
ENV 2	Design
ENV 4	Energy efficiency and renewable energy in construction
ENV 7	Biodiversity and geology
ENV 8	Flood risk
ENV 9	Pollution
ENV 14	Sites of archaeological interest
COM 7	Transport impact

COM 8 Parking provision

6.2 *Supplementary Planning Documents*

Design Guide – Adopted March 2012

Flood and Water – Adopted November 2016

Contaminated Land: Guidance on submitted Planning Application on land that may be contaminated - Adopted May 2010

Developer Contributions and Planning Obligations – Adopted May 2013

6.3 *National Planning Policy Framework 2018*

Section 2 Achieving sustainable development

Section 4 Decision-making

Section 5 Delivering a sufficient supply of homes

Section 9 Promoting sustainable transport

Section 11 Making effective use of land

Section 12 Achieving well-designed places

Section 15 Conserving and enhancing the natural environment

Section 16 Conserving and enhancing the historic environment

6.4 *Submitted Local Plan 2018*

LP1 A presumption in Favour of Sustainable Development

LP2 Level and Distribution of Growth

LP3 The Settlement Hierarchy and the Countryside

LP16 Infrastructure to Support Growth

LP17 Creating a Sustainable, Efficient and Resilient Transport Network

LP22 Achieving Design Excellence

LP23 Water Efficiency

LP25 Managing Water Resources and Flood Risk

LP26 Pollution and Land Contamination

LP27 Conserving and Enhancing Heritage Assets

LP28 Landscape, Treescape and Built Environment Character, including Cathedral Views

LP30 Conserving and Enhancing Biodiversity and Geodiversity

LP31 Development in the Countryside

LP32 Infill Development in Locations Outside of Development Envelope

7.0 PLANNING COMMENTS

7.1 The main planning considerations are the principle of development; impact on visual amenity; residential amenity; highway safety and parking provision; contamination; flood risk and drainage; biodiversity; and archaeological impact.

7.2 Principle of Development

7.2.1 The development would not normally be considered acceptable in principle in this location as the application site lies outside the defined development envelope of Soham in the countryside. Development envelopes define where policies for the

built up areas of settlements give way to policies for the countryside. Policy GROWTH 2 of the adopted Local Plan states that outside of defined development envelopes the only housing development which will be permitted is affordable housing exception schemes where those schemes have no significant adverse impact on the character of the countryside or other Local Plan policies. The current scheme does not meet that definition.

- 7.2.2 However, the Council cannot currently demonstrate a five year supply of deliverable housing sites as required by paras 67 and 73 of the NPPF. Based on a Planning Inspector's findings (in appeal decision APP/V0510/17/3186785) the Council has a 3.86 year supply and the Council has accepted this finding. As a result, the policies within the Local Plan which relate to the supply of housing, namely GROWTH 2 of the Local Plan and LP3 and of the Submitted Local Plan 2018, should not be considered up-to-date as per paragraph 11.d and footnote 7 of the NPPF. The Supreme Court decision of 10 May 2017 ([2017] UKSC 37 Suffolk Coastal District Council v Hopkins Homes Ltd) re-emphasised that where relevant policies are out of date, the "tilted balance" within the NPPF (para 11.d and footnote 7) applies, meaning that permission should be granted 'unless the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed or any adverse impact of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in [the National Planning Policy] Framework taken as a whole'.
- 7.2.3 A balancing exercise therefore needs to be carried out between the adverse impacts and the benefits of the scheme. As part of that balance, in the absence of a five year supply, considerable weight an importance should be attached to the benefit which the proposal brings in terms of delivery of new homes.
- 7.3 Benefits of the scheme
- 7.3.1 The benefits of the scheme have been considered in respect of the three overarching objectives in achieving sustainable development, which are Social, Economic and Environmental (NPPF para 8), the benefits of the scheme would have social and economic dimensions.
- 7.3.2 The social benefits of the scheme are the provision of two dwellings which would add to the District's housing stock and provide additional dwellings towards the Council's supply of deliverable housing land. Given that no affordable housing would be provided there is no additional benefit in terms of meeting affordable housing needs. At two dwellings, the limited size of the scheme means that the overall benefit in terms of housing supply is relatively limited, however this benefit should be given due weight in the consideration of the tilted balance. The scheme would also result in two additional households in the locality which would provide some benefit in terms of the viability of local services and facilities. Given the contribution of such facilities to social wellbeing, it is considered that this benefit has a social dimension. Again, however, the limited scale of the development consequently limits the benefit derived from it in terms of the viability of local services and facilities.
- 7.3.3 The economic benefits of the scheme would include the construction of two houses which would bring about temporary economic benefits, including the employment

gains extending from the construction of the site. As these would be temporary in nature, the economic benefits of the scheme from construction are afforded relatively limited weight. There would also be a beneficial impact on the local economy in terms of the use of local services and facilities, however due to the small scheme size, the benefit is likely to be relatively limited. The increase in population may also contribute a limited benefit to the local labour market.

7.3.4 There is potential for a limited environmental benefit in the form of some ecological enhancement on site resulting from the development.

7.4 Adverse Impacts

7.4.1 It is considered that the adverse impact of the scheme would be the harm it would cause to the character and visual amenity of the area. This is discussed in more detail below.

7.5 Visual Amenity

7.5.1 All detailed matters have been reserved for future consideration, however the proposed dwellings are considered to have an adverse impact on the visual amenity of the area.

7.5.2 The site is currently characterised by paddock land with an agricultural building behind. It sits between a small cluster of residential buildings to the east and the open countryside to the west. The character of the wider site is of a small agricultural site at the fringe of the existing settlement which visually forms an important transition between the built up area and the open countryside.

7.5.3 The proposed development would result in the residential development of a rural site and it is considered that this would fundamentally change the character of the wider site from a fringe agricultural site to residential housing. The proposed housing would extend the cluster of residential development further west across the open frontage and create a hard edge to the cluster on the edge of the open countryside to the west. It is not considered that this harm could be mitigated by the landscaping of the site or by constraints on the scale, appearance or layout of the development at Reserved Matters stage. The loss of openness on the frontage of the site and the loss of the existing rural character, which provides an important visual transition between the residential housing and the wider countryside, would cause significant harm to the established character and appearance of the area, contrary to policies ENV1 and ENV2 of the adopted Local Plan 2015 and policies LP22 and LP28 of the Submitted Local Plan 2018.

7.5.4 It is therefore considered that the proposed development is unacceptable.

7.6 Residential Amenity

7.6.1 In terms of the location of the proposed dwellings, it is considered that they are sufficiently distant from the nearest neighbouring dwellings that they would not cause any significant loss of light, visual intrusion or overlooking to neighbouring properties.

- 7.6.2 It is therefore considered that the proposal complies with policy ENV2 of the adopted Local Plan 2015 and policies LP22 and LP28 of the Submitted Local Plan 2018 in respect of residential amenity.
- 7.7 Highway Safety and Parking Provision
- 7.7.1 While access is reserved for future consideration, the plans submitted indicate that an access could be provided off Cherrytree Lane which would have adequate visibility given the nature of the single track lane. The Local Highways Authority has not objected to the proposed development and the scheme is considered to be acceptable in terms of its impact on highway safety.
- 7.7.2 While the layout of the development is reserved for future consideration, the indicative layout demonstrates that adequate parking and turning could be provided on site. Were permission granted, conditions regarding the laying out of the access and the provision of parking and turning areas and their surfacing could be applied.
- 7.7.3 It is therefore considered that the proposal complies with policies ENV2, COM7 and COM8 of the adopted Local Plan 2015 and policies LP17 and LP22 of the Submitted Local Plan 2018 in respect of highway safety and parking.
- 7.8 Land Contamination
- 7.8.1 The proposed site is currently agricultural land, although the Council's EHO has suggested a scheme of contamination investigation due to the sensitive end use, given the low likelihood of contamination it is considered that a condition regarding unanticipated contamination could give sufficient protection if the application was approved.
- 7.8.2 It is therefore considered that the proposal complies with policy ENV9 of the adopted Local Plan 2015 and policy LP26 of the Submitted Local Plan 2018 in respect of the risks of land contamination.
- 7.9 Flood Risk and Drainage
- 7.9.1 The site is located entirely within Flood Zone 1. The IDB has not objected to the proposed development on the basis that that soakaways would be used. The application form states that surface water would be disposed of via soakaway and that foul water would be directed to a package treatment plant. There is no obvious impediment to providing adequate drainage in that manner and were permission granted, conditions requiring the submission of detailed drainage arrangements and their implementation could be applied to ensure suitable drainage of the development.
- 7.9.2 As noted by the IDB, the ditch along the frontage of the site would require culverting in order to provide vehicle access directly from Cherrytree Lane and were permission granted details of that culvert could be required by condition.
- 7.9.3 It is therefore considered that the proposal complies with policies ENV2 and ENV8 of the adopted Local Plan 2015 and policies LP22 and LP25 of the Submitted Local

Plan 2018 in respect of its susceptibility to, and impact on, flood risk and the drainage measures proposed.

7.10 Biodiversity

7.10.1 The applicant has completed the biodiversity checklist and based on the information provided, as well as the nature of the site as a field laid to grass with no significant boundary planting, it is not considered that the proposed development would harm ecological interests on the site or in the wider area. National and local policy requires that development enhance biodiversity and it is considered that the proposed development could achieve this through measures, including for example, bird and bat boxes which could be incorporated into the final design. Were permission granted, such enhancement could be secured through a condition requiring a scheme of enhancement to be submitted and approved by the LPA.

7.10.2 It is therefore considered that the proposal complies with policies ENV1, ENV2 and ENV7 of the adopted Local Plan 2015 and policies LP22 and LP30 of the Submitted Local Plan 2018 in respect of the protection and enhancement of biodiversity.

7.11 Archaeology

7.11.1 The proposed development is within an area identified as being of high archaeological potential. Were permission granted, it is considered that the impact of the proposed development on the archaeological interests of the site could be adequately mitigated by a condition requiring pre-development archaeological investigations.

7.11.2 It is therefore considered that the proposal complies with policy ENV14 of the adopted Local Plan 2015 and policy LP27 of the Submitted Local Plan 2018 in respect of the archaeological interests of the site.

7.12 Planning Balance

7.12.1 In weighing the benefits and adverse impacts on the tilted balance, as required under paragraph 11 of the NPPF, the benefits of the scheme are considered to be relatively limited, given the small scheme size, although this limited benefit is given significant weight due to the lack of a five year supply of deliverable housing sites. The adverse impact identified in terms of the harm to the character and appearance of the area is considered to be significant. The identified harm would conflict with the environmental objective of sustainable development and other NPPF policies including the need to achieve well-designed places (para 127) and is considered to be so great that it significantly and demonstrably outweighs the limited benefits which would be derived from the provision of the dwellings. As a result, the consideration of the scheme on the tilted balance indicates that the proposed development should be refused.

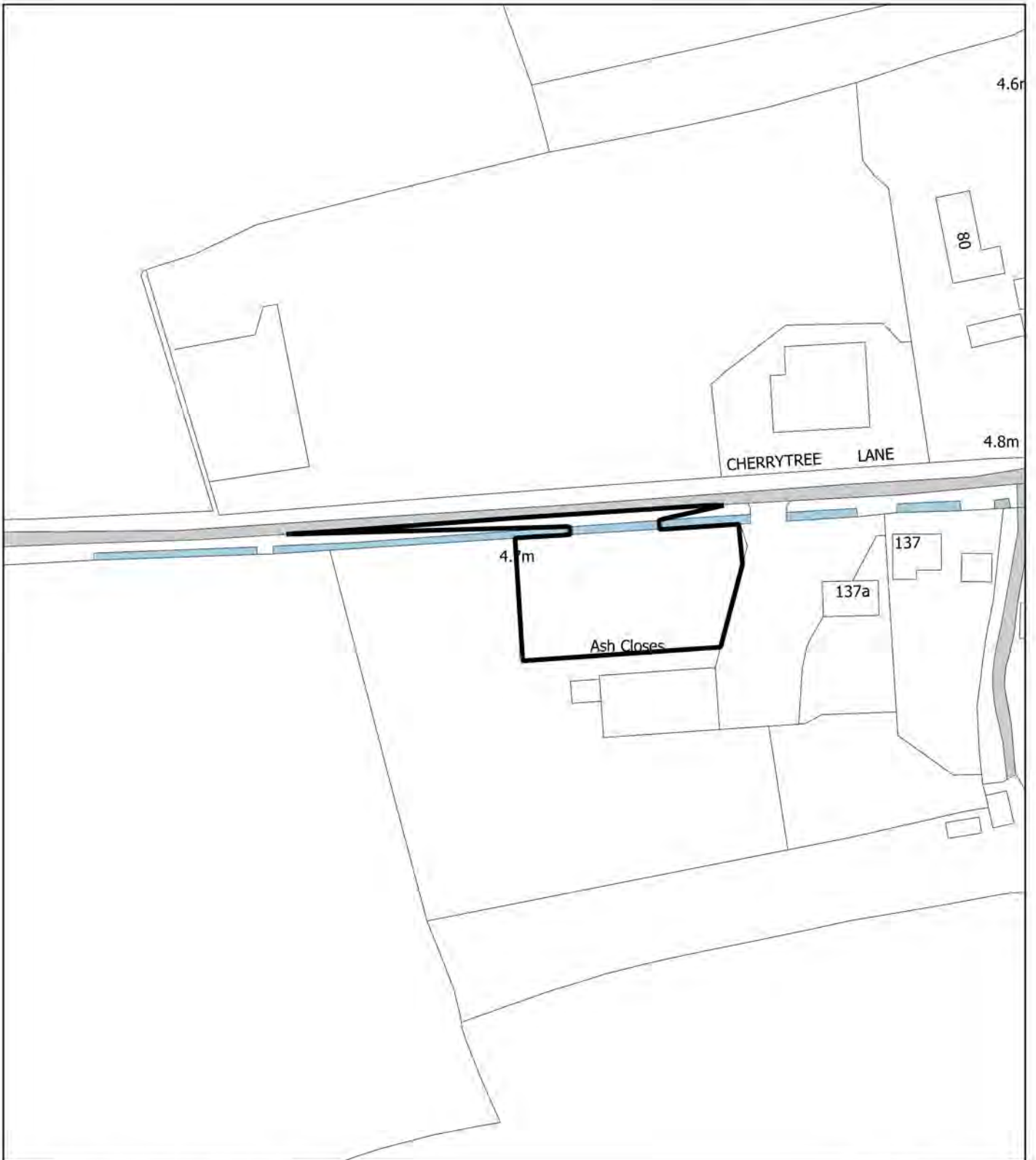
<u>Background Documents</u>	<u>Location</u>	<u>Contact Officer(s)</u>
18/01494/OUT	Dan Smith Room No. 011 The Grange Ely	Dan Smith Planning Consultant 01353 665555 dan.smith@eastca mbs.gov.uk

National Planning Policy Framework 2018 -

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>



18/01494/OUT

Site West of
137A The Butts
Soham



East Cambridgeshire
District Council

Date: 23/01/2019
Scale: 1:1,200



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MAIN CASE

Reference No: 18/01544/OUT

Proposal: Proposed single storey dwelling garaging, parking and access

Site Address: Site Opposite Perivale Barcham Road Soham
Cambridgeshire

Applicant: Mrs D Barcham Stevens

Case Officer: Richard Fitzjohn, Senior Planning Officer

Parish: Soham

Ward: Soham North
Ward Councillor/s: Councillor Mark Goldsack
Councillor Carol Sennitt

Date Received: 31 October 2018 **Expiry Date:** 8th February 2019
[T196]

1.0 **RECOMMENDATION**

1.1 Members are recommended to REFUSE planning permission for the following reasons:

1. The proposed site is not considered to be sustainably located and would have negative effects on the environmental and social roles of sustainability.

The site is located outside of the development framework at a distance of approximately 0.6 miles from the nearest part of Soham's development envelope, and approx. 1.9 miles from the closest part of the town centre.

There is a bus stop at a distance of approximately 0.4 miles from the site along a 60mph road with no footpaths. This road is also used to access Soham which is approx. 1.9 miles from the site to the town centre. Barcham Road is not considered a safe route for pedestrians, and would lead to a reliance on vehicular transport to access facilities by the future occupiers of the dwelling. The contribution to the housing supply by one additional dwelling would be modest, and the benefits to the construction trade would be short term and minimal.

This does not accord with paragraphs 79 and 110 of the National Planning Policy Framework (NPPF) or policy GROWTH 5 of the East Cambridgeshire District Council Local Plan 2015. The adverse impacts of the proposal would significantly

and demonstrably outweigh the benefits to the construction trade would be short term and minimal.

2.0 SUMMARY OF APPLICATION

2.1 The proposal is made in outline with access being considered. All other matters are reserved. The proposal would create a new access through part of an existing hedge on the north side of Barcham Road. An indicative layout of the proposed dwelling, garage and landscaping are shown on the submitted plan, but these details cannot be assessed as part of this application.

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 This application has been called-in to planning committee by Councillor Carol Sennitt because it is outside the development envelope. Councillor Sennitt has also stated the following:

"The application has been amended from the previous application by changing the entrance and adding a corpse of trees for added privacy. We have had a lot of development down this road and feel that if it continues then the road will need to be widened . It is a one track road at present and once Barcham Trees have their new development the traffic will increase because I believe those who are local and coming from Soham will use the route through the middle of Barcham."

2.4 Planning permission was refused for a dwelling on this site at Planning Committee on 6th September 2017 for the following 2 reasons:

1. The proposed site is not considered to be sustainably located and would have negative effects on the environmental and social roles of sustainability.

The site is located outside of the development framework at a distance of approximately 0.6 miles from the nearest part of Soham's development envelope, and approx. 1.9 miles from the closest part of the town centre.

There is a bus stop at a distance of approximately 0.4 miles from the site along a 60mph road with no footpaths. This road is also used to access Soham which is approx. 1.9 miles from the site to the town centre. Barcham Road is not considered a safe route for pedestrians, and would lead to a reliance on vehicular transport to access facilities by the future occupiers of the dwelling. The contribution to the housing supply by two additional dwellings would be modest, and the benefits to the construction trade would be short term and minimal.

This does not accord with paragraphs 35 and 55 of the National Planning Policy Framework (NPPF) or policy GROWTH 5 of the East Cambridgeshire District Council Local Plan 2015. The adverse impacts of the proposal would

significantly and demonstrably outweigh the benefits to the construction trade would be short term and minimal.

2. There is considered to be a negative impact on the character of the area from the development of dwellings opposite each other, as this is not the existing character of the streetscene. It is considered that having dwellings on both sides of the road would contribute to a sense of enclosing to that part of Barcham Road. It is considered it would not be complimentary relationship with the wider landscape setting or preserve the character of the streetscene, and therefore would cause significant and demonstrable harm to the rural and open character of the area. The proposal therefore does not comply with Policies ENV1 and ENV2 of the East Cambridgeshire Local Plan 2015."

3.0 PLANNING HISTORY

3.1

18/01250/OUT	Proposed single storey dwelling, garaging, parking, access and associated site works	Withdrawn	01.11.2018
17/01281/OUT	Proposed single storey dwelling, garaging, parking, access and associated site works	Refused	07.09.2017

4.0 THE SITE AND ITS ENVIRONMENT

- 4.1 The site is located north of Soham, outside the development envelope. Barcham Road is a single car-width road with no pedestrian footpaths, leading from the A142 along the edges of agricultural fields. Dwellings and rural businesses are regularly spaced along Barcham Road in the vicinity of this site.
- 4.2 The site itself is currently an open agricultural field with a ditch running along the south-east boundary (front Barcham Road). Two dwellings have recently been approved 16/01751/OUT in March 2017 on the site adjacent to the proposal.
- 4.3 The northern edge of Soham's development envelope is approx. 0.6 miles away, and the closest part of the town centre boundary is approx. 1.9 miles away.

5.0 RESPONSES FROM CONSULTEES

- 5.1 Responses were received from the following consultees and the responses are summarised below. The full responses are available on the Council's web site.
- 5.2 Soham Town Council – Has concerns with the application as the proposal is located outside of the development envelope.
- 5.3 Ward Councillor Carol Sennitt – "I would like to call this application in to planning committee because it is outside the development envelope. The application has been amended from the previous application by changing the entrance and adding

a corpse of trees for added privacy. We have had a lot of development down this road and feel that if it continues then the road will need to be widened. It is a one track road at present and once Barcham Trees have their new development the traffic will increase because I believe those who are local and coming from Soham will use the route through the middle of Barcham.”

5.4 Consultee For Other Wards In Parish - No Comments Received.

5.5 CCC Growth & Development - No Comments Received.

5.6 Local Highways Authority - The Highway Authority has no objections in principal to this application

Recommended Conditions

HW9A – No gates to be erected across the vehicle access within 6m of the back edge of the carriageway

HW14A – Parking and turning

5.7 Waste Strategy (ECDC) –

- East Cambs District Council will not enter private property to collect waste or recycling, therefore it would be the responsibility of the owners/residents to take any sacks/bins to the public highway boundary on the relevant collection day and this should be made clear to any prospective purchasers in advance, this is especially the case where bins would need to be moved over long distances and/or loose gravel/shingle driveways; the RECAP Waste Management Design Guide defines the maximum distance a resident should have to take a wheeled bin to the collection point as 30 metres (assuming a level smooth surface).
- Under Section 46 of The Environmental Protection Act 1990, East Cambridgeshire District Council as a Waste Collection Authority is permitted to make a charge for the provision of waste collection receptacles, this power being re-enforced in the Local Government Acts of 1972, 2000, and 2003, as well as the Localism Act of 2011.
- Each new property requires two bins; this contribution is currently set at £43 per property.
- Payment must be made in advance of bins being delivered; East Cambs District Council Account Number **43135897**, Sort Code **52-41-19**, reference should be the planning application number followed by (bins) i.e. 15/012345/FUL (bins) a separate e-mail should also be sent to waste@eastcambs.gov.uk detailing the payment amount and the planning reference number.

ECDC Trees Team - No Comments Received.

5.2 Neighbours – 5 neighbouring properties were notified, a site notice was displayed on 12th December 2018 and a press advert was published in the Cambridge

Evening News on 15th November 2018. Representations have been received from 7 neighbouring properties, raising objections including the following summarised concerns:

- Affect on Conservation Area
- Affects a Right of Way
- Affects public views
- Affects street scene
- Foul water drainage
- Impact on trees
- Landscape impact
- Loss of privacy
- Noise sensitive
- Over looking
- Surface water drainage
- Visual amenity – The new dwellings along Barcham Road have changed the character of the road.
- Highway safety and traffic impacts
- Barcham Road is in poor condition, with holes and sinking, subsidence, overgrown hedges and verges. It is significantly impacted by rain and there is mud all over the roads from increased traffic.
- The quiet road (Barcham Road) has increasing traffic and has become a rat run for employees of Barcham Trees.
- Barcham Road is a single track road with no paths and cannot cope with more traffic (which will increase with the building of the arboretum).
- The proposal will restrict access to properties and a passing bay.
- Horse riders, dog walkers and walkers frequently used the area because it was safe area for them, this is now not the case due to the volume of traffic.
- Impact on biodiversity
 - There are already a number of houses going up along Barcham Road and it does not need any more development.
- The area is outside of the development envelope and is not sustainable. A car is required to access any facilities and the nearest bus stop is along the A142 which is serviced by infrequent buses.
- The proposal would impact accessibility to a neighbouring property (Orchard Farm) as the access would be directly opposite and through a passing place which is used by vehicles passing along the road and large agricultural and heavy goods vehicles entering/exiting Orchard Farm.
- The passing place may be parked in by visitors/occupiers of the new dwelling.
- The three passing places on Barcham Road were provided as part of a previous planning permission at a time when there was considerably less development. Road improvements should be carried out before more development is allowed.
- The ditches cannot take any more water being pumped into them. To make them effective may require destruction of more hedgerows and widening of waterways.
- The proposal will impact rural views/views of the fields.
- The lack of houses can be met by sites within the centre of Soham and 3 large sites in Soham where planning permission has been approved but are not being developed.
- Planning permission being granted could lead to further development.
- The new houses along Barcham Road do not provide affordable housing.

- There has been no thought to putting new infrastructure in place before new buildings are approved.
- The road is unlikely to be widened.
- The road requires upgrading by the Local Highway Authority.

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
HOU 2	Housing density
ENV 1	Landscape and settlement character
ENV 2	Design
ENV 4	Energy efficiency and renewable energy in construction
ENV 7	Biodiversity and geology
ENV 8	Flood risk
ENV 9	Pollution
COM 7	Transport impact
COM 8	Parking provision

6.2 Supplementary Planning Documents

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

6.3 National Planning Policy Framework 2018

- 2 Achieving sustainable development
- 4 Decision-making
- 5 Delivering a sufficient supply of homes
- 11 Making effective use of land
- 12 Achieving well-designed places
- 15 Conserving and enhancing the natural environment

6.4 Submitted Local Plan 2018

LP1A presumption in Favour of Sustainable Development
 LP3 The Settlement Hierarchy and the Countryside
 LP6 Meeting Local Housing Needs
 LP16 Infrastructure to Support Growth
 LP17 Creating a Sustainable, Efficient and Resilient Transport Network
 LP22 Achieving Design Excellence
 LP23 Water Efficiency
 LP24 Renewable and Low Carbon Energy Development
 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

7.0 PLANNING COMMENTS

7.1 The main considerations in relation to this application are the principle of development and the impacts on highway safety.

7.2 Principle of Development

7.2.1 The Council is not currently able to demonstrate that it has an adequate five year supply of land for housing. Therefore, all Local Plan policies relating to the supply of housing must be considered out of date and housing applications assessed in terms of the presumption in favour of sustainable development set out in the National Planning Policy Framework. This means that development proposals should be approved unless any adverse effects of the development significantly and demonstrably outweigh the benefits. It should be noted that all other local plan policies and relevant material considerations remain relevant and form part of the planning balance for this application.

7.2.2 The benefits of this application are considered to be: the positive contribution of the provision of one additional dwelling to the district's housing stock, and the positive contribution to the local and wider economy in the short term through the construction of the new dwelling.

7.2.3 The application site is located outside Soham town and approx. 0.6 miles from the northern edge of the development envelope, and approx. 1.9 miles from Soham town centre. Barcham Road is a 60mph road with no pedestrian footpaths. There is a limited bus service currently with the closets stop on the A142 and linking with Newmarket, Ely and Cambridge. This would mean that occupants of the proposed dwelling are very likely to depend on a vehicle to access the services of the town and beyond.

7.2.5 Paragraph 79 of the National Planning Policy Framework (NPPF) states that local planning authorities should avoid new isolated homes in the countryside; this proposal also does not meet any of the exceptions detailed in that paragraph. The NPPF also encourages development to protect and exploit opportunities for sustainable transport. For the purposes of assessing the proposal in relation to the presumption in favour of sustainable development, the site is therefore not considered to be in an environmentally or socially sustainable location and is contrary to policy GROWTH 5 of the Local Plan and the NPPF.

7.2.6 Furthermore, planning permission was refused for a dwelling on this site at Planning Committee on 6th September 2017, with the first reason for refusal relating to the site being unsustainable for a dwelling, as shown below:

“1. The proposed site is not considered to be sustainably located and would have negative effects on the environmental and social roles of sustainability.

The site is located outside of the development framework at a distance of approximately 0.6 miles from the nearest part of Soham's development envelope, and approx. 1.9 miles from the closest part of the town centre.

There is a bus stop at a distance of approximately 0.4 miles from the site along a 60mph road with no footpaths. This road is also used to access Soham which is approx. 1.9 miles from the site to the town centre. Barcham Road is not considered a safe route for pedestrians, and would lead to a reliance on vehicular transport to access facilities by the future occupiers of the dwelling. The contribution to the housing supply by two additional dwellings would be modest, and the benefits to the construction trade would be short term and minimal.

This does not accord with paragraphs 35 and 55 of the National Planning Policy Framework (NPPF) or policy GROWTH 5 of the East Cambridgeshire District Council Local Plan 2015. The adverse impacts of the proposal would significantly and demonstrably outweigh the benefits to the construction trade would be short term and minimal.”

7.2.7 The current proposal is considered to be an unsustainable location for development for the same reason as the previous refusal reason quoted above.

7.3 Highway safety

7.3.1 Barcham Road is a predominantly single track road, with a 60mph speed limit and some limited passing places. There is no footpath, although there is some highway verge which is part of the drainage system for the area. It is the case officer's view that the increasing traffic along Barcham Road, which is resulting from incremental residential development and agricultural businesses along this road, combined with the lack of footpath provision along the road, could lead to conflict between vehicles and pedestrians. Therefore, the case officer does have some highway safety concerns relating to the proposed development, including potential conflict with a passing place within the highway and the lack of footpath provision in the area.

7.3.2 However, the Local Highway Authority has no concerns with the proposed development subject to standard conditions which would be applied if planning approval was granted. The case officer therefore does not consider that refusing on the planning application on highway safety grounds or requesting highway upgrades would be reasonable, and it is considered that the proposal complies with policy COM7 of the East Cambridgeshire Local Plan 2015 and policy LP17 of the Submitted Local Plan 2018.

7.4 Biodiversity

7.4.1 With the characteristics of the site it is not considered that a detailed biodiversity investigation is required. Some of the front hedge is proposed to be removed to allow for the access to the proposed dwelling, and some hedge will be trimmed back to allow visibility splays, however the trees officer commented on the adjoining application 16/01751/OUT and considered the hedge was in a poor condition. Although landscaping is not a matter being considered as part of this application, the plans show indicative landscaping which could be achieved within

the site. This indicatively demonstrates native hedging to form the site boundaries and the proposed landscaping to the west of the proposed dwelling. This would likely result in improved biodiversity levels on site, in accordance with policy ENV7 of the East Cambridgeshire Local Plan 2015 and policy LP30 of the Submitted Local Plan 2018.

7.5 Flood Risk and Drainage

7.5.1 The site is located within Flood Zone 1 where the principle of development is acceptable in flood risk terms. Foul and surface water drainage details could be secured by planning condition in order to maintain greenfield run-off rates, in accordance with policy ENV8 of the East Cambridgeshire Local Plan 2015 and policy LP25 of the Submitted Local Plan 2018.

7.6 Visual Amenity

7.6.1 Parts of Barcham Road are characterised by dwellings at staggered intervals, though with recent planning approvals there is now some dwellings located directly opposite another which has changed the street scene and character of the area. The siting of the proposed dwelling would adhere to a staggered pattern, with no dwelling directly opposite it. The previous reason for refusal of planning permission relating to the impact on the character of the area from the development of dwellings opposite each other has been overcome by the current proposal.

7.6.2 It is therefore considered that the proposed development would not cause significant harm to the character and appearance of the area, in accordance with policies ENV1 and ENV2 of the East Cambridgeshire Local Plan 2015 and policies LP22 and LP28 of the Submitted Local Plan 2018.

7.7 Residential amenity

7.7.1 A single storey dwelling could be located within the application site with sufficient distance from neighbouring dwellings to prevent any significant detrimental impacts to their residential amenity, including any overlooking or excessive noise impacts which would cause any significant harm.

7.7.2 It is therefore considered that the proposed development could be accommodated within the site without creating any significant detrimental impact to neighbouring properties, in accordance with policy ENV2 of the East Cambridgeshire Local Plan 2015, policy LP22 of the Submitted Local Plan 2018 and the East Cambridgeshire Design Guide SPD. Any future reserved matters application would still be assessed against these policies and guidance if planning permission was to be approved.

7.8 Other matters

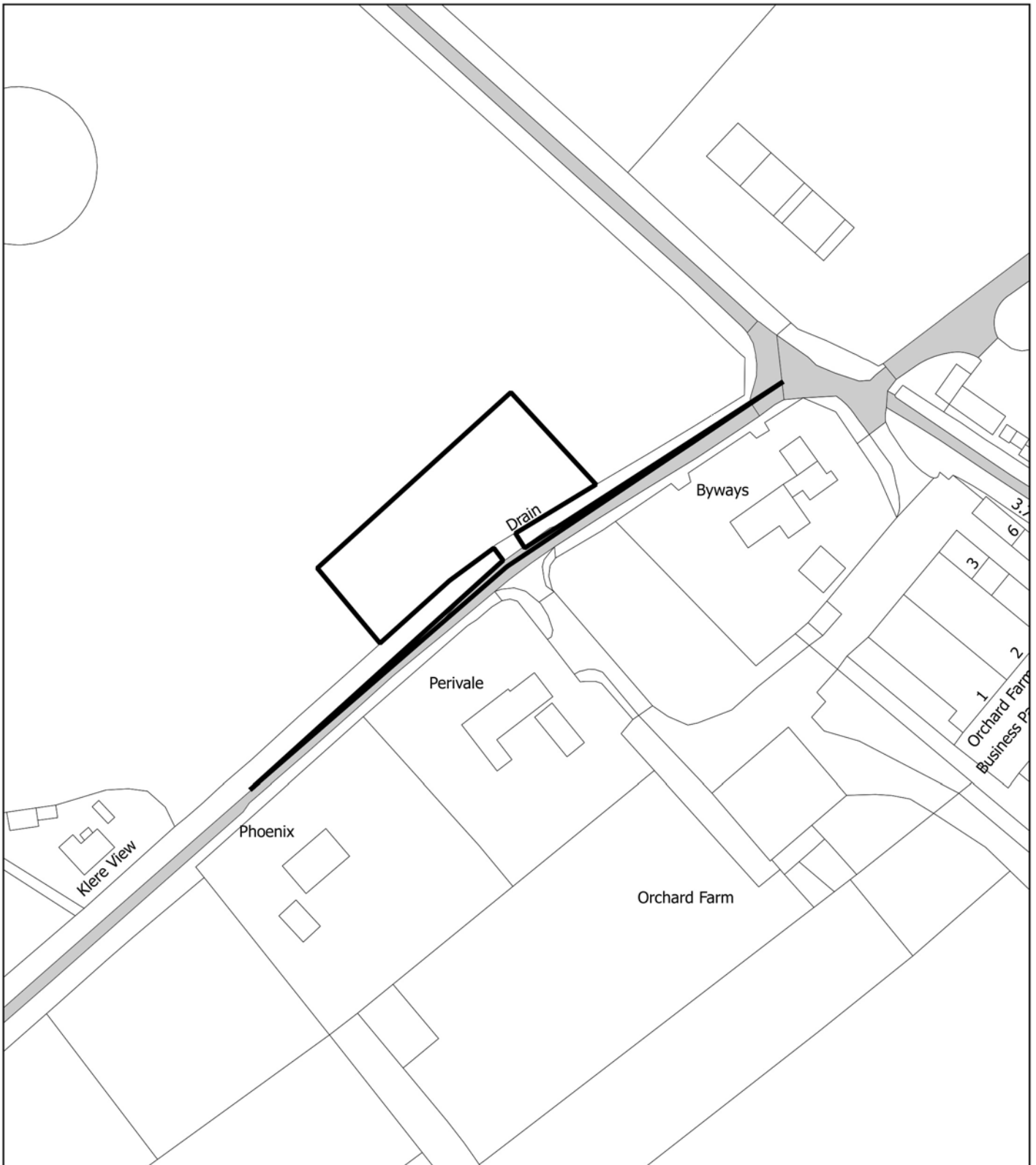
7.8.1 A neighbour representation has raised concerns regarding impact on the Conservation Area, however there is not a conservation area located within close vicinity to the site and therefore there will be not be any conservation area impacts created by the proposed development.

- 7.8.2 A neighbour representation has raised concerns regarding the effect on a Right of Way, however there is no Public Right of Way located within close proximity to the site and therefore the proposed development will be no effects on any Rights of Way.
- 7.8.3 Neighbour representations have raised concerns regarding impacts of the proposed development on rural and field views. However, loss of a view is not a material planning consideration and therefore cannot be considered as part of the determination of this planning application.
- 7.8.4 A neighbouring representation has raised that new houses along Barcham Road do not provide affordable housing. This is acknowledged, however planning policy does not require affordable housing to be provided for the level of development proposed by the current application.
- 7.9 Planning Balance
- 7.9.1 The benefits of the proposed development are that there would be some modest benefits to the housing supply and construction trade, and no significant impacts on highway safety, residential amenity, ecology, flooding or pollution. However, the location outside of the development envelope and on a road with no footpaths is not considered to meet the social and environmental aspects of sustainability expected by the NPPF, nor is the dwelling proposed for special circumstances as outlined in paragraph 79 of the NPPF. The unsustainable location of the proposed dwelling would result in significant harm which would significant and demonstrably outweigh the modest benefits of the proposed development.
- 7.9.2 It is therefore requested that Members refuse this application for the above reasons.

<u>Background Documents</u>	<u>Location</u>	<u>Contact Officer(s)</u>
18/01544/OUT	Richard Fitzjohn Room No. 011	Richard Fitzjohn Senior Planning Officer
18/01250/OUT 17/01281/OUT	The Grange Ely	01353 665555 richard.fitzjohn@ea stcambs.gov.uk

National Planning Policy Framework -
https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/6077/2116950.pdf

East Cambridgeshire Local Plan 2015 -
<http://www.eastcambs.gov.uk/sites/default/files/Local%20Plan%20April%202015%20-%20front%20cover%20and%20inside%20front%20cover.pdf>



18/01544/OUT

Site Opposite Perivale
Barcham Road
Soham



East Cambridgeshire
District Council

Date: 23/01/2019
Scale: 1:1,500



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MAIN CASE

Reference No: 18/01572/OUT

Proposal: Erection of 2No dwellings (Re-submission)

Site Address: 53 Pound Lane Isleham Ely Cambridgeshire CB7 5SF

Applicant: Mr G Baxter

Case Officer: Catherine Looper, Planning Officer

Parish: Isleham

Ward: Isleham
Ward Councillor/s: Councillor Derrick Beckett

Date Received: 6 November 2018 **Expiry Date:** 08/02/2019

[T197]

1.0 **RECOMMENDATION**

1.1 Members are recommended to APPROVE the application subject to the recommended conditions below. The conditions can be read in full on the attached appendix 1.

- 1 Approved Plans
- 2 Time Limit - OUT/OUM
- 3 Time Limit - OUT/OUM/RMA/RMM
- 4 Construction Times
- 5 Sample materials
- 6 Landscaping Scheme
- 7 Access- width
- 8 Gates - restriction
- 9 Parking & turning
- 10 Site Characterisation
- 11 Reporting of unexpected contamination
- 12 Foul and Surface water drainage
- 13 Permitted Dev - windows and openings
- 14 Permitted Dev - fences, gates and walls
- 15 No pruning, felling or removal of trees or hedges
- 16 Biodiversity Improvements

2.0 SUMMARY OF APPLICATION

- 2.1 The application seeks outline consent for the construction of two dwellings adjacent to the site of a recently permitted dwelling. The matters to be considered are access and scale. The two dwellings would share a vehicular access. The application has been submitted following refusal of an earlier application for three dwellings on this site.
- 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 has been called into Planning Committee by Councillor Becket.

3.0 PLANNING HISTORY

3.1

02/00391/FUL	Proposed four bedroom dwelling with attached double garage	Refused	10.06.2002
03/00764/FUL	Proposed 4 bedroom dwelling with attached double garage.	Approved	29.08.2003
04/00355/FUL	Demolition of existing bungalow together with the erection of a replacement dwelling and detached garage	Approved	18.05.2004
04/01218/FUL	Demolition of existing bungalow & erection of replacement dwelling & detached garage.	Approved	01.12.2004
17/00436/FUL	Proposed erection of 1No private detached dwelling and cart lodge on land at 53 Pound Lane, Isleham	Approved	11.05.2017
17/01178/FUL	Proposed erection of 1No private detached dwelling & cart lodge	Approved	01.09.2017
17/01636/FUL	Proposed erection of 1No private detached dwelling & cart lodge	Approved	03.11.2017

17/02131/VAR	To vary conditions 1 (Plans and Drawings) of the decision dated 06/11/2017 of previously approved application 17/01636/FUL for proposed erection of 1No private detached dwelling & cart lodge	Approved	30.01.2018
18/00933/OUT	Erection of 3 No dwellings	Refused	04.10.2018

4.0 THE SITE AND ITS ENVIRONMENT

4.1 The site is located toward the north of Isleham and is in close proximity to the development envelope. The site is currently vacant and enclosed by a well-established hedge. Isleham holds a mixture of dwelling types and designs near this location, which are generally set back a short distance from the public highway.

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.

Ward Councillors – No comments received.

Parish – “The Council objects on the following grounds: 18/01572/OUT (re-submission) Erection of 2No dwellings 53 Pound Lane, Isleham- Mr & Mrs Baxter. The Council objects on the following grounds. Further erosion of the village boundary. Negative impact on aesthetics as you approach the village. Further Loss of visual amenity following approval of the adjacent dwelling, particularly from Little London Drove. This would be clearly evident from a site visit. Over development of the site. Highways safety. Not meeting current housing needs.”

Waste Strategy (ECDC) – No objections raised. Standard informatives recommended.

Local Highways Authority – “The Highways Authority has no objections in principal to this application. I would note that this development is outside of the village boundary and as such there are no footways or lighting and none have been proposed.”

CCC Growth & Development - No Comments Received

Environmental Health – “Under section 6 of the Application Form the applicant has indicated 'no' in the 'proposed use that would be particularly vulnerable to the presence of contamination' box. As any residential property is classed as vulnerable to the presence of contamination I advise that contaminated land conditions 1 and

4, requiring an appropriate contamination assessment, to be attached to any planning permission granted. In addition, due to the proposed number of dwellings and the close proximity of existing properties 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”

5.2 Neighbours – One neighbouring property has been notified and an advert was placed in the Cambridge Evening News. No responses have been received.

6.0 The Planning Policy Context

6.1 *East Cambridgeshire Local Plan 2015*

GROWTH 1 Levels of housing, employment and retail growth

GROWTH 3 Infrastructure requirements

GROWTH 5 Presumption in favour of sustainable development

ENV 1 Landscape and settlement character

ENV 2 Design

ENV 7 Biodiversity and geology

ENV 9 Pollution

COM 7 Transport impact

COM 8 Parking provision

6.2 *Supplementary Planning Documents*

Developer Contributions and Planning Obligations

Design Guide

Contaminated Land - Guidance on submitted Planning Application on land that may be contaminated

6.3 *National Planning Policy Framework 2018*

5 Delivering a sufficient supply of homes

12 Achieving well-designed places

6.4 *Submitted Local Plan 2018*

LP1A presumption in Favour of Sustainable Development

LP3 The Settlement Hierarchy and the Countryside

LP5 Community-led development

LP17 Creating a Sustainable, Efficient and Resilient Transport Network

LP22 Achieving Design Excellence

LP26 Pollution and Land Contamination

LP28 Landscape, Treescape and Built Environment Character, including Cathedral Views

LP30 Conserving and Enhancing Biodiversity and Geodiversity

7.0 PLANNING COMMENTS

7.1 The main considerations in the determination of this application are the principle of development, the residential amenity of nearby occupiers, and the visual impact on the character of the area.

7.2 **Principle of Development**

7.3 An appeal decision (APP/V0510/17/3186785: Land off Mildenhall Road, Fordham') has concluded that the Council does not currently have an adequate five year supply of land for housing, and as such, the housing policies within the 2015 Local Plan (GROWTH 2) and the 2018 Submitted Local Plan (LP3) cannot be considered up-to-date in so far as it relates to the supply of housing land.

7.4 In this situation, the presumption in favour of development set out in the National Planning Policy Framework (NPPF) means that permission for development should be granted unless any adverse impacts of so doing would significantly and demonstrably outweigh the benefits or specific policies in the Framework indicate that development should be restricted. Paragraph 78 of the NPPF states that to promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. Paragraph 79 states that Local Planning Authorities should avoid isolated new homes in the countryside unless there are special circumstances.

7.5 As the site is located in close proximity to the settlement boundary and the services and facilities on offer in Isleham, the principle of development is considered acceptable subject to compliance with other local and material planning policies and all other material planning considerations that form part of the planning balance for this application. The proposal considered by this application would make a small but positive contribution to the local housing supply in the form of two dwellings. The proposal would also be beneficial to the economy in the short term due to the construction stage.

7.6 **Residential Amenity**

7.7 Policy ENV2 of the East Cambridgeshire Local Plan 2015 and policy LP22 of the Submitted Local Plan 2018 require proposals to ensure that there are no significantly detrimental effects on the residential amenity of nearby occupiers.

7.8 Both proposed plots would be single storey in scale and the indicative layout suggests that these can be positioned to ensure that issues such as overlooking, overbearing and overshadowing are minimised.

7.9 Although the elevations and appearance are not formally considered as part of this application, should the elevation drawings submitted be put forward as part of the reserved matters stage, it is considered that the location and scale of the proposed dwellings would not create any significantly detrimental effects on the residential amenity of nearby occupiers and therefore complies with Policy ENV2 of the Local Plan 2015 and policy LP22 of the Submitted Local Plan 2018.

7.10 **Visual Amenity**

7.11 The indicative layout shows that plot sizes, rear amenity space and building sizes could be achieved on the site to comply with the requirements of the Design Guide SPD. In addition, the indicative elevations show that the main windows to habitable

rooms face away from the road, limiting the level of glazing present on the East elevations.

- 7.12 In terms of visual amenity, policy ENV2 of the Local Plan 2015 and policy LP22 of the Submitted Local Plan 2018 require proposals to ensure that location, layout, scale, form, massing, materials and colour relate sympathetically to the surrounding area and each other. The proposal will create a change to the existing appearance of the settlement edge. The agent has included indicative elevations of the proposed dwellings, which are of a more rural design. Although appearance is not considered at this stage, the indicative drawings indicate that this type of design would be suitable for the location.
- 7.13 The maximum height of the dwellings is 6.1m. This scale is similar to other nearby dwellings and is considered appropriate for the edge of settlement location. The single storey scale of the dwellings is considered appropriate to define the stopping point of built form and provides a step-down from other two-storey development near the settlement edge.
- 7.14 The previous permission on the adjacent site (17/00436/FUL) removed permitted development rights in relation to any alterations or extensions, outbuildings, additional openings and fences, gates or walls, to restrict any future alterations which may be made under permitted development that might impact on the character and appearance of the settlement edge. It is considered necessary to add these restrictions as conditions to any grant of planning permission to ensure that this development does not create harm to the character of the area.
- 7.15 Details of materials and landscaping would be considered at a reserved matters stage, and can be secured by condition. The existing hedge surrounding the site is considered to be beneficial to the appearance of the site within the street scene and provides a softer boundary to the site. It is important that this hedge is retained within any scheme for landscaping.
- 7.16 **Highways**
- 7.17 The applicant proposes to create a new driveway access off the public highway, which would be 5m in width for the first 10m. The County Highways Authority has been consulted and has stated that they raise no objections in principal to the application. Conditions are recommended to ensure that the proposal does not create impacts on highway safety. The proposal provides sufficient parking spaces for the proposed dwellings and therefore complies with policy COM8 of the Local Plan 2015 and policy LP22 of the Submitted Local Plan 2018.
- 7.18 **Other Material Matters**
- 7.19 The site is maintained grass and therefore the proposal is not considered to impact biodiversity in the area. It is considered appropriate to seek biodiversity improvements as part of the application, and this can be secured by condition. The hard and soft landscaping details for the site can be dealt with at reserved matters stage.

7.20 A scheme for the disposal of foul and surface water drainage can be secured by condition to ensure that a suitable scheme is proposed which prevents the increased risk of flooding and improves and protects water quality, in accordance with policies ENV2 and ENV8 of the East Cambridgeshire Local Plan 2015 and LP22 and LP25 of the Submitted Local Plan 2018.

7.21 **Planning Balance**

7.22 On balance, the proposal complies with planning policy and would result in the provision of three additional dwellings to the local housing supply. The application is therefore recommended for approval.

8.0 **APPENDICES**

8.1 Recommended Conditions

<u>Background Documents</u>	<u>Location</u>	<u>Contact Officer(s)</u>
18/01572/OUT	Catherine Looper Room No. 011 The Grange Ely	Catherine Looper Planning Officer 01353 665555 catherine.looper@eastcambs.gov.uk
02/00391/FUL		
03/00764/FUL		
04/00355/FUL		
04/01218/FUL		
17/00436/FUL		
17/01178/FUL		
17/01636/FUL		
17/02131/VAR		
18/00933/OUT		

National Planning Policy Framework -

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/6077/2116950.pdf

East Cambridgeshire Local Plan 2015 -

<http://www.eastcambs.gov.uk/sites/default/files/Local%20Plan%20April%202015%20-%20front%20cover%20and%20inside%20front%20cover.pdf>

Appendix 1

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

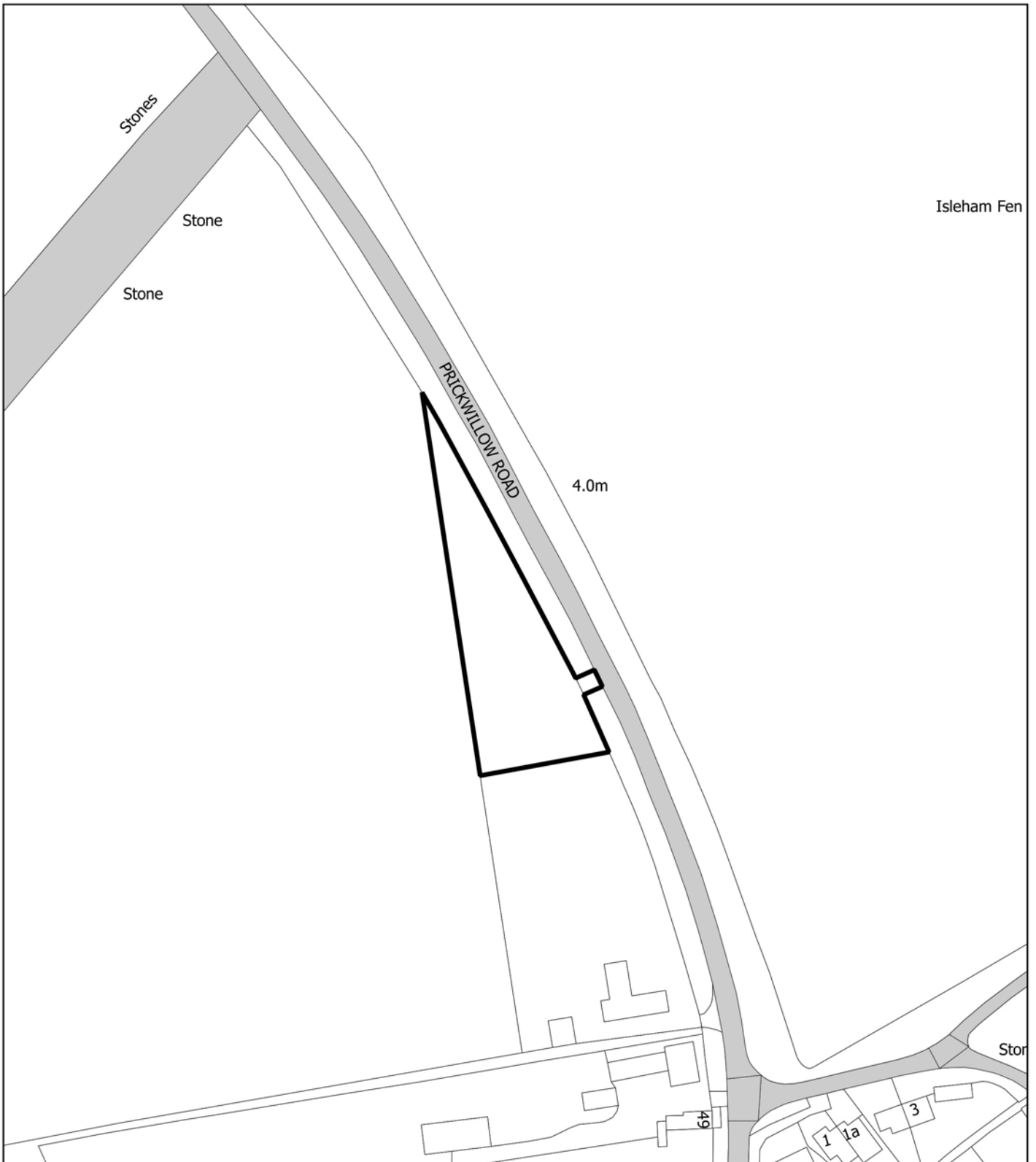
Plan Reference	Version No	Date Received
P-6150-01		15th November 2018
P-6105-02		6th November 2018
P-6105-03		6th November 2018

- 1 Reason: To define the scope and extent of this permission.
- 2 Approval of the details of the appearance, landscaping and layout (hereinafter called "the reserved matters") shall be obtained from the Local Planning Authority in writing before any development is commenced, and shall be carried out as approved. Application for approval of the reserved matters shall be made within 3 years of the date of this permission.
- 2 Reason: The application is for outline permission only and gives insufficient details of the proposed development, and to comply with Section 92 of the Town and Country Planning Act 1990.
- 3 The development hereby permitted shall be commenced within 2 years of the date of the approval of the last of the reserved matters.
- 3 Reason: To comply with Section 92 of the Town and Country Planning Act 1990, as amended.
- 4 Construction times and deliveries, with the exception of fit-out, shall be limited to the following hours: 08:00 - 18:00 each day Monday-Friday, 08:00 - 13:00 Saturdays and none on Sundays, Public Holidays or Bank Holidays.
- 4 Reason: To safeguard the residential amenity of neighbouring occupiers, in accordance with policy ENV2 of the East Cambridgeshire Local Plan 2015 and LP22 of the Submitted Local Plan 2018.
- 5 No above ground construction shall take place on site until details of the external materials to be used on the development have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.
- 5 Reason: To safeguard the character and appearance of the area, in accordance with policy ENV2 of the East Cambridgeshire Local Plan 2015 and LP22 of the Submitted Local Plan 2018.
- 6 Prior to first occupation or commencement of use a full schedule of all soft and hard landscaping works shall be submitted to and approved in writing by the Local Planning Authority. The schedule shall include, planting plans, a written specification; schedules of plants noting species, plant sizes, proposed numbers/densities; and a detailed implementation programme, as well as details of hard surfacing materials and boundary treatments. It shall also indicate all existing trees and hedgerows on the land and details of any to be retained. The works shall be carried out in accordance with the approved details prior to the end of the first planting season following occupation of the development. 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.

- 6 Reason: To safeguard the character and appearance of the area, in accordance with policy ENV2 of the East Cambridgeshire Local Plan 2015 and LP22 of the Submitted Local Plan 2018.
- 7 The access shall be a minimum width of 5m, for a minimum distance of 10m measured from the near edge of the highway carriageway and thereafter retained in perpetuity. No unbound material shall be used to form the driveway surface within 5m of the highway.
- 7 Reason: In the interests of highway safety, in accordance with COM7 and COM8 of the East Cambridgeshire Local Plan 2015 and LP17 of the Submitted Local Plan 2018.
- 8 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, as shown on the approved plans.
- 8 Reason: In the interests of highway safety, in accordance with COM7 and COM8 of the East Cambridgeshire Local Plan 2015 and LP17 of the Submitted Local Plan 2018.
- 9 Prior to first occupation or commencement of use of the development sufficient space shall be provided within the site to enable vehicles to enter, turn and leave the site in forward gear and to park clear of the public highway. The area shall be levelled, surfaced and drained and thereafter retained for that specific use.
- 9 Reason: In the interests of highway safety, in accordance with COM7 and COM8 of the East Cambridgeshire Local Plan 2015 and LP17 of the Submitted Local Plan 2018.
- 10 No development shall take place until an investigation and risk assessment of the nature and extent of any contamination on the site, whether or not it originates on the site, has been undertaken. The investigation and risk assessment must be undertaken by competent persons, and a written report of the findings must be submitted to and approved in writing by the Local Planning Authority. The report of the findings must include:
- (i) A survey of the extent, scale and nature of contamination;
 - (ii) An assessment of the potential risks to: human health, property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes; adjoining land; groundwaters and surface waters; ecological systems; archaeological sites and ancient monuments;
 - (iii) An appraisal of remedial options, and proposal of the preferred option(s).
- This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'. Any remediation works proposed shall be carried out in accordance with the approved details and timeframe as agreed in writing by the Local Planning Authority.
- 10 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 and LP26 of the Submitted Local Plan 2018.
- 11 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.

- 11 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 and LP26 of the Submitted Local Plan 2018. The condition is pre-commencement as it would be unreasonable to require applicants to undertake this work prior to consent being granted.
- 12 No development shall take place until a scheme to dispose of foul and surface water has been submitted to and approved in writing by the Local Planning Authority. The scheme(s) shall be implemented prior to first occupation.
- 12 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 and LP22 and LP25 of the Submitted Local Plan 2018.
- 13 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development)(England) Order 2015 (or any order amending, revoking or re-enacting that Order), no windows, dormer windows, rooflights or openings of any other kind, other than those expressly authorised by this permission shall be constructed at first floor level or above in the north, east and south elevation(s), without the prior written consent of the Local Planning Authority.
- 13 Reason: To safeguard the character and appearance of the area, in accordance with policy ENV2 of the East Cambridgeshire Local Plan 2015 and LP22 of the Submitted Local Plan 2018.
- 14 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development)(England) Order 2015 (or any order amending, revoking or re-enacting that Order), no fences, gates or walls shall be erected within the curtilage of the dwellinghouse, without the prior written consent of the Local Planning Authority.
- 14 Reason: To safeguard the character and appearance of the area, in accordance with policy ENV2 of the East Cambridgeshire Local Plan 2015 and LP22 of the Submitted Local Plan 2018.
- 15 Except as detailed on the approved plans and only for making provision for the approved access, no trees shall be pruned or removed/felled and no hedges shall be removed without the prior written approval of the Local Planning Authority
- 15 Reason: To assimilate the development into its surroundings, in accordance with policies ENV1 and ENV2 of the East Cambridgeshire Local Plan 2015 and LP22 and LP28 of the Submitted Local Plan 2018.
- 16 Prior to occupation a scheme of biodiversity improvements shall be submitted to and agreed in writing with the Local Planning Authority. The biodiversity improvements shall be installed prior to the first occupation of the hereby approved development and thereafter maintained in perpetuity.
- 16 Reason: To protect and enhance species in accordance with policies ENV1, ENV2 and ENV7 of the East Cambridgeshire Local Plan 2015 and LP28, LP22 and LP30 of the Submitted Local Plan 2018.



18/01572/OUT

53 Pound Lane
Isleham



East Cambridgeshire
District Council

Date: 23/01/2019
Scale: 1:1,500



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MAIN CASE

Reference No: 18/01575/FUL

Proposal: Construction of 4 bed dwelling and garage

Site Address: Site Rear Of 131 North Street Burwell

Applicant: Mr & Mrs William Bowles

Case Officer: Emma Barral, Planning Officer

Parish: Burwell

Ward: Burwell
Ward Councillor/s: Councillor David Brown
Councillor Lavinia Edwards
Councillor Michael Allan

Date Received: 6 November 2018 **Expiry Date:** 15.02.2019

[T198]

1.0 RECOMMENDATION

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

1. The provision of one dwelling on this site would result in a harmful urbanising incursion into this open countryside setting, significantly and unacceptably diminishing the site's current contribution to the surrounding open rural and agricultural landscape, and at odds with the predominantly linear character of built form along North Street. The proposal would be considered as unacceptable backland development and would result in an undesirable hardening of the edge between the built-up extent of the village and the rural area beyond, irrevocably harming the existing transition between the edge of the village and the countryside. The proposal would cause significant and demonstrable harm to the character and appearance of the area. The proposal would be contrary to the SPD Design Guide 2012, Policies ENV 1 and ENV2 of the East Cambridgeshire Local Plan 2015 and LP22 and LP28 of the Submitted Local Plan 2018.

2.0 SUMMARY OF APPLICATION

2.1 The application seeks consent for the erection of a dwelling on a plot to the rear of 131 North Street, Burwell. The proposed dwelling is proposed to be 28 metres (92 feet) from 131 North Street with a length of 16m, a width of 12m and a height of 8.8m. The application follows a recent planning refusal for a similar scheme

(17/02220/FUL) which was refused on the 14th February 2018. The proposed dwelling is accessed via existing access and includes a detached double garage.

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 has been brought to Planning Committee at the request of Councillor Brown who considered that the location and details of this application warranted consideration by the Planning Committee.

3.0 PLANNING HISTORY

For surrounding the application site:

11/00900/FUL	Construction of 1No. dwelling	Approved	13.12.2011
13/01127/FUL	Construction of 1no. dwelling	Approved	27.02.2014
17/02219/FUL	New 3 bed dwelling	Refused	15.02.2018

For the application site:

17/02220/FUL	New four bed dwelling	Refused	14.02.2018
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4.0 THE SITE AND ITS ENVIRONMENT

4.1 The site comprises vacant grassland the majority of which lies within the development envelope for Burwell (the proposed access road lies *within* the Development Envelope, the proposed dwelling lies *outside* the Development Envelope). The site is located to the north of the centre of the village, with open agricultural land beyond to the west and north. The western side of North Street is characterised by a linear pattern of development with occasional punctuations from agricultural tracks and Drovers.

4.2 There is an area of garden in closer proximity to Number 131 than the application site (site rear of 131 North Street, Burwell) that was subject to a planning approval for 1no. dwelling in 2011 (11/00900/FUL). This site which was the subject of the application is 2011 was located directly behind Number 131 and is within the development envelope.

4.3 There is an approval for a dwelling located solely behind 131B, adjacent to that approved in 2013. (13/01127/FUL). This site was also within the development envelope.

4.4 There was an application for a proposed dwelling to rear of Number 133B/C North Street (17/02219/FUL) which was refused on the 15th February 2018.

- 4.5 Finally, the application follows a recent planning refusal for a similar scheme (17/02220/FUL) which was refused on the 14th February 2018.

RESPONSES FROM CONSULTEES

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

Local Highways Authority – No objections in principle to the application. The development benefits from an existing access with the highway. Recommended that no gates be erected across the access to be secured by Condition.

CCC Growth & Development - No Comments Received

- Waste Strategy (ECDC) - East Cambs District Council will not enter private property to collect waste or recycling, therefore it would be the responsibility of the owners/residents to take any sacks/bins to the public highway boundary on the relevant collection day and this should be made clear to any prospective purchasers in advance, this is especially the case where bins would need to be moved over long distances and/or loose gravel/shingle driveways; the RECAP Waste Management Design Guide defines the maximum distance a resident should have to take a wheeled bin to the collection point as 30 metres (assuming a level smooth surface).
- Under Section 46 of The Environmental Protection Act 1990, East Cambridgeshire District Council as a Waste Collection Authority is permitted to make a charge for the provision of waste collection receptacles, this power being re-enforced in the Local Government Acts of 1972, 2000, and 2003, as well as the Localism Act of 2011.
- Each new property requires two bins; this contribution is currently set at £43 per property.
- Payment must be made in advance of bins being delivered; East Cambs District Council Account Number 43135897, Sort Code 52-41-19, reference should be the planning application number followed by (bins) i.e. 15/012345/FUL (bins) a separate e-mail should also be sent to waste@eastcambs.gov.uk detailing the payment amount and the planning reference number.

Burwell Parish Council – No objections to the applications.

Ward Councillors – The application has been brought to Planning Committee at the request of Councilor Brown who considered that the location and details of this application warranted consideration by the Planning Committee.

- 5.2 Neighbours – 10 neighbouring properties were notified and the 7 responses received are summarised below with 2 objections and 5 comments in support. A full copy of the responses are available on the Council's website. The application was

also advertised in the Cambridge Evening News and a site notice was erected to the front of the site.

- The proposed development would result in loss of light to Number 131a and 131b North Street.
- The proposal would result in loss of privacy, overlooking, noise and disturbance.
- The proposed development is located outside the village boundary.
- The proposed development does not conform with the Burwell Masterplan which shows the proposed site to be part of the 'green edge to village to be retained'.
- The Burwell Masterplan states that 'the whole of the western edge of Burwell, facing onto the Fens, was identified as a special area of open space'.
- 5 comments were also raised in support relating to the number of dwellings being erected in rear gardens in the village, no affect to neighbour amenity, balancing the street scene and other non-planning related reasons.

6.0 THE PLANNING POLICY CONTEXT

6.1 East Cambridgeshire Local Plan 2015

GROWTH 1	Levels of housing, employment and retail growth
GROWTH 2	Locational strategy
GROWTH 3	Infrastructure requirements
GROWTH 5	Presumption in favour of sustainable development
HOU 2	Housing density
ENV 1	Landscape and settlement character
ENV 2	Design
ENV 4	Energy efficiency and renewable energy in construction
ENV 7	Biodiversity and geology
ENV 8	Flood risk
ENV 9	Pollution
ENV 14	Sites of archaeological interest
COM 7	Transport impact
COM 8	Parking provision

6.2 Supplementary Planning Documents

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

6.3 National Planning Policy Framework 2018

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

15 Conserving and enhancing the natural environment

6.4 Submitted Local Plan 2018

LP3	The Settlement Hierarchy and the Countryside
LP1	A presumption in Favour of Sustainable Development
LP16	Infrastructure to Support Growth
LP28	Landscape, Treescape and Built Environment Character, including Cathedral Views
LP22	Achieving Design Excellence
LP30	Conserving and Enhancing Biodiversity and Geodiversity
LP31	Development in the Countryside
LP25	Managing Water Resources and Flood Risk
LP26	Pollution and Land Contamination
LP17	Creating a Sustainable, Efficient and Resilient Transport Network

7.0 PLANNING COMMENTS

7.1 The main issues to consider when determining this application relate to the principle of development, visual amenity, residential amenity and highway safety.

7.1.1 Principle of Development

7.1.2 The majority of the site is located outside of the designated development envelope of Burwell. Development outside of the development envelope is considered contrary to policy GROWTH2 of the East Cambridgeshire Local Plan 2015 which seeks to focus new development within the defined settlement boundaries. The National Planning Policy Framework Paragraph 11 states that if policies are out of date, planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, or where specific policies in the NPPF indicate development should be restricted.

7.1.3 An appeal decision (APP/V0510/17/3186785: Land off Mildenhall Road, Fordham') has concluded that the Council does not currently have an adequate five year supply of land for housing, and as such, the housing policies within the 2015 Local Plan (GROWTH 2) cannot be considered up-to-date in so far as it relates to the supply of housing land. In this situation, the presumption in favour of development set out in the National Planning Policy Framework (NPPF) means that permission for development should be granted unless any adverse impacts of so doing would significantly and demonstrably outweigh the benefits or specific policies in the Framework indicate that development should be restricted.

7.1.4 Adopted policy GROWTH 2 and emerging policies LP1 and LP3 all seek to manage new development so that it takes place in sustainable locations. In respect of open market housing, these are considered to be within defined settlements where there is ready access to shops, services and facilities that meet the day to day needs of those communities. Policy GROWTH 2 states that the majority of development will be focused on the market towns of Ely, Soham and Littleport with more limited development taking place in villages which have a defined development envelope, thereby helping to support local services, shops and community needs. It then states that outside of these settlements new development will be strictly controlled,

having regard to the need to protect the countryside and the setting of towns and villages. Development outside these settlements will not be permitted except where it complies with a limited range of specified categories detailed in that policy; none of which pertain to the current proposals.

- 7.1.5 The emerging policy LP3 lists Burwell as a “large village” that has a reasonable range of services and which is defined by a development envelope. This sets the limit of the physical framework of the built-up area of the settlement and its primary purpose, and the policies which apply within and outside them, is to prevent the spread of development into the countryside, to maintain the essential character of the settlement and control the growth within and outside it in accordance with the settlement hierarchy in policy LP3. Policy LP31 relates to new development in the countryside and it sets out the type of development that might be appropriate, including new residential development. These policies reflect the Government’s guidance on rural development contained in the Framework and they establish a range of development types that require a countryside location as an exception to the strategy of focussing most new development within sustainable settlements. The proposed development does not fulfil any of the listed exceptions in either policy.
- 7.1.6 The majority of the application site is located outside of the development envelope with No 131 and their garden located within the development envelope. Despite there being some sporadic development in depth along the North Street, the residential element of the scheme is within the open countryside. Policies GROWTH2 and LP3 very clearly seek control new residential development in the areas outside of the defined settlements. Policy LP31 of the Submitted Local Plan 2018 adds an additional layer of control over development in the countryside. It lists a series of exceptions to the normal approach of restricting open market residential development in the countryside; none of which apply in the current case.
- 7.1.7 The emerging replacement Local Plan also contains Policy LP32 which allows limited residential infill development to take place in specific circumstances, limited to infilling of small gaps. The proposed development does not comply with this policy as it is not an infill plot (i.e. it does not lie between two existing dwellings).
- 7.1.8 The proposed development does not comply with either the adopted or emerging Local Plan policies relating to new residential development in the open countryside and the proposals are not acceptable in principle. It will be necessary, therefore, for the applicant to demonstrate other material planning considerations in line with the framework and emerging policy LP1 that outweigh the fact that the site lies outside the settlement. If there are other material planning considerations that weigh in the development’s favour then those should be considered carefully in the planning balance to assess whether or not they should prevail. The remainder of this report considers those material factors before reaching a conclusion on the proposals.
- 7.1.9 It should be noted that planning permission was granted in close proximity in respect of two sites (11/00900/FUL & 13/01127/FUL) for a single dwellings. However, these approvals lay within the development envelope for Burwell whereas this application lies predominantly outside. The principle accepted in 2011 and 2013 nearby is not sufficient to allow this application to be accepted in open countryside.

- 7.1.10 As the site is located in close proximity to the services and facilities on offer in the village and the wider transport links that are provided, the site is considered to be in a relatively sustainable location for a dwelling. However, given the Council's lack of a 5 year housing land supply the proposal still has to demonstrate it will not cause significant and demonstrable harm on any other material planning matters.
- 7.2 Visual Impact
- 7.2.1 The two-storey detached dwelling would be located in the centre of a narrow plot with a length of 16m, a width of 12m and a height of 8.8m. The proposal also features a detached double garage located to the front of the proposed dwelling, close to the side elevation of 131 North Street. The access would run between 131B and 131 North Street and turn sharply right to be located behind 131 and 131A. The dwelling would be located 15m from the rear elevation of 131A and 27m from the rear elevation of 131, the host dwelling, with a 1.8m close-boarded fence providing boundary demarcation.
- 7.2.2 This part of North Street is defined by a linear pattern of development with sporadic punctuations into the open countryside in the form of droves, agricultural operations or large residential development schemes. The proposal, which would extend the built form of North Street by approximately 25m, constituting a form of development that is out of character with the established form of development in the vicinity of the site. The character of the site and the area around it forms a transition between the built up area of Burwell and the rural open countryside beyond and the generally undeveloped nature of adjoining rear gardens contributes to a feathering of the edge of the settlement where it adjoins the countryside. 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. The spaces between built form on the western side of the road offer glimpses to the countryside beyond, offering a valuable contribution to the character of the western fringe of Burwell. If these spaces were to be interrupted through contiguous built form, it would result in harm caused to this unique character of this fenland village.
- 7.2.3 The proposal would be contrary to the SPD Design Guide, Policies ENV1 and ENV2 of the East Cambridgeshire Local Plan 2015 and LP22 and LP28 of the Submitted Local Plan 2018 which seeks to protect landscape and settlement character and in particular respect views into and out of settlements and create positive and complementary relationships with existing development.
- 7.3 Residential Amenity
- 7.3.1 The proposal would enjoy sufficient private amenity space and the existing amenity levels of the dwellings at 131, 131A and 131B are not likely to be significantly impacted upon. The amenity impact associated with the vehicular movements to and from the site could be reduced through the effective use of driveway materials and boundary treatments; which could be secured by condition.
- 7.3.2 The proposed dwelling would face south with the proposed detached garage in front which will help obscure views. The principle elevation will be served by numerous

windows which would face the rear of No.131A and would have an overlooking impact. Nonetheless, it is considered that the 15m separation distance between the elevations of No.131A and those of the proposed dwelling are acceptable resulting in limited overlooking impact and the harm caused would not be considered significant and demonstrable. Furthermore, no first floor windows have been proposed for the west facing side elevation which reduces the overlooking on the amenity spaces of 133B and 133A further to the east.

- 7.3.3 The proposed detached garage would be located on the boundary of 131A and, due to its position relative to the neighbouring dwelling, would not be considered to overshadow the private amenity space of this neighbouring occupier.
- 7.3.4 The dwelling's separation from the dwellings' fronting North Street is sufficient to avoid a significant impact on sunlight provision for the street's existing residents.
- 7.3.5 It is considered that the residential amenity impact of the scheme is broadly acceptable in line with the policy requirements of ENV2 of the 2015 Local Plan, SPD Design Guide 2012 and LP22 of the Proposed Submission Local Plan 2018.
- 7.4 Highways
 - 7.4.1 In consultation with the Highways Officer the proposal is considered to be acceptable as the proposed development benefits from an existing access with the highway. There is provision for the proposed plot to provide 2 car parking spaces in addition to a detached double garage which is in line with the criteria within the Local Plan and Emerging Local Plan. Conditions are required to restrict gates being erected across the access. On this basis the proposal is considered to comply with policies COM7 and COM8 of the Local Plan and LP17 of the Emerging Local Plan.
- 7.5 Ecology
 - 7.5.1 The site is current vacant grassland with no evidence of trees that would be impacted by this development, furthermore the site has minimal biodiversity potential due to its current use for ancillary outbuildings and domestic paraphernalia and the fact that the plot is regularly mowed. A condition could be placed on a decision to ensure soft landscaping and biodiversity enhancement measures.
- 7.6 Flood Risk and Drainage
 - 7.6.1 The site is within Flood Zone 1 where you would expect vulnerable development such as dwellings to be located. It is considered that any drainage issues can be dealt with by way of condition. On this basis the proposal is considered to comply with policies ENV8 of the Local Plan and LP25 of the Emerging Local Plan.
- 7.7 Planning Balance
 - 7.7.1 The benefit of the provision of a dwelling is outweighed by the significant and demonstrable harm that the introduction of a dwelling in this location would create as the scheme would extend permanent built form into the countryside in this sensitive location in a manner that is considered harmful to local landscape

character and visual amenity. The provision of the dwelling on this site would result in a harmful urbanising incursion into an open countryside setting, significantly and unacceptably diminishing the sites current contribution to the surrounding open rural and agricultural landscape, and at odds with the predominantly linear character of built form along North Street.

7.7.2 The application is therefore recommended for refusal.

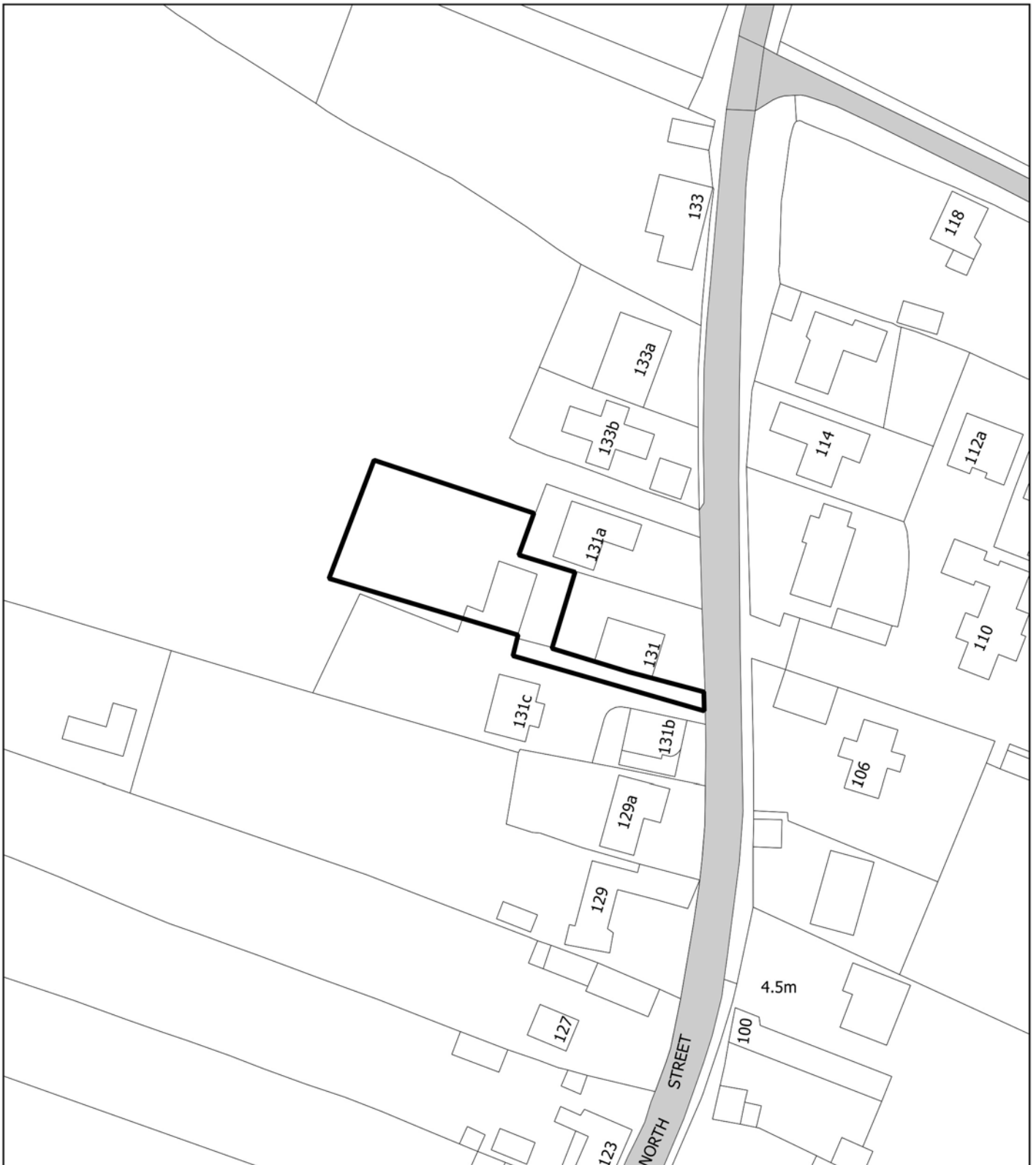
Background Documents	Location	Contact Officer(s)
18/01575/FUL	Emma Barral Room No. 011 The Grange Ely	Emma Barral Planning Officer 01353 665555 emma.barral@eastc ambs.gov.uk
17/02220/FUL	New four bed dwelling	Refused (14.02.2018)

National Planning Policy Framework -

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/6077/2116950.pdf

East Cambridgeshire Local Plan 2015 -

<http://www.eastcambs.gov.uk/sites/default/files/Local%20Plan%20April%202015%20-%20front%20cover%20and%20inside%20front%20cover.pdf>



18/01575/FUL

Site Rear of
131 North Street
Burwell



East Cambridgeshire
District Council

Date: 23/01/2019
Scale: 1:1,000



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MAIN CASE

Proposal: Confirmation of Tree Preservation Order E/06/18

Location: Land at 45 & 47, and rear of 45 & 43 High Street, Cheveley.

Applicant: N/A

Agent: N/A

Reference No: TPO/E/06/18

Case Officer: Cathy White, Senior Trees Officer

Parish: Cheveley

Ward: Cheveley
Ward Councillors: Councillor Cresswell
Councillor Shuter

[T199]

1.0 **THE ISSUE**

1.1 To confirm a Tree Preservation Order (TPO) for five trees on land at 45 & 47, and rear of 45 & 43 High Street, Cheveley. This matter is being referred to Committee due to objections received in the 28 days consultation period, which ended on 31st December 2018, and for the requirement to confirm the TPO within six months to ensure the trees are protected for public amenity.

2.0 **RECOMMENDATIONS**

2.1 It is recommended that:

- The TPO is confirmed, without modifications **OR**
- The TPO is confirmed with modifications, omitting selected trees T1 Purple Cherry Plum and T3 Plum from the TPO schedule

for the following reasons: The Purple Cherry Plum tree (T1) stands near the roadside, beside 45 High Street, in a prominent location. The other four TPO trees (T2 – T5) stand on the land at the rear of 45 & 43 and at 45 & 47 High Street, Cheveley. Although they are not as visible from the High Street, they do visually contribute to the amenity of the local landscape in this part of Cheveley.

3.0 **COSTS**

If a TPO is made and confirmed, then subsequent applications made for tree works would carry with them an opportunity to claim compensation if, as a result of the Council's decision, the applicant suffers any loss or damage within 12 months of that decision being made.

4.0 **BACKGROUND**

4.1 The Order was made after requests by several local residents who nominated the trees for preservation because the trees stood on the proposed development site, subject of a current planning application 18/01556/OUT at Freshwinds, 47 High Street, Cheveley, and the owner had started some clearance of the vegetation on their land. The trees were not protected at that time.

4.2 The TPO was served under Section 201 of the Town & Country Planning Act 1990, on 23rd November 2018 because:

- Trees on the site were considered at risk of being removed before the planning application 18/01556/OUT is determined.
- Serving the TPO allows time for debate on the future of the trees on this proposed development site, and time for the Planning Officers to weigh up all the planning constraints relevant to this application before the final decision is made.
- The trees were assessed to have amenity value, as they make a visual contribution to the local landscape in this part of Cheveley.

4.3 An objection to the serving of the TPO was received in writing from the owners' Agent on their behalf during the statutory consultation period. The letter and documents with the objections are in Appendix 1. The details of the objection were:

- The TPO was initially served in a rush on 23rd November and amended on 27th November due to two errors they consider to be significant, namely the species of a tree and the name of the village in which the trees are located
- It is considered that T3 Plum on the TPO refers to one tree but there are actually two
- Whilst the TPO was sent to the correct address, it was not addressed to the owner of the land, but to the owner of the adjacent house who happened to have the same name
- Given the accepted practice of using a tool such as TEMPO to validate the trees worthy of TPO, it is the view of the Agent's appointed arboricultural consultant that TPO T1 and T2 cannot be justified, and T3 is questionable
- The justification for this TPO is landscape value. It is considered that for several of the trees it is more a case of ensuring replacement planting than any true landscape value of the particular tree

- It would be best to withdraw the TPO and serve a TPO just for the Hornbeam (T2) and the Birch trees (T4 & T5)
 - The site is currently subject to a planning application, so the Council can secure additional trees for the site through a suitably worded planning condition, should permission be granted
- 4.4 Letters and emails supporting the TPO were received during the consultation period. These documents are in Appendix 2.
- 4.5 Given these comments received, including the objections, and also the public request for the serving of the TPO, it was considered appropriate for the Planning Committee Members to consider all the comments received and reach a democratic decision on the future protection of all or some of the TPO trees.
- 5.0 **CONCLUSIONS**
- 5.1 Whilst the determining if the five trees are of sufficient amenity value or not is to some extent subjective, the Senior Trees Officer remains of the opinion that the trees make a visual contribution to the local landscape and character of the area.
- 5.2 The TPO was served swiftly because there was evidence of work taking place on the site to clear vegetation, when the trees had no protection cover. The two small errors in the TPO documents were spotted early in the consultation period. The Council's Legal Manager confirmed these were two minor errors and could be amended on the original documents with the Planning Manager's signature on the amended sections of the documents, and re-issued, well within the 28 days consultation period. (The amended TPO and Formal Notice documents are in Appendix 3).
- 5.3 The trees were assessed for TPO on their amenity value, this being the only requirement needed in evaluating trees for the making of a new TPO. The Council's TPO Assessment Sheet used is an alternative method to TEMPO (Tree Evaluation Method or Preservation Orders). The completed TPO Assessment Sheet document for TPO E/06/18 is in Appendix 3.
- 5.4 The TPO documents were sent to the owners at 47 High Street and neighbours of the following properties at 49, 47A, 43, 41, 39, & 37 High Street, Cheveley. The land ownership was checked by a Land Registry search, and also with reference to the planning application form for 18/01556/OUT. (This check established that none of the TPO trees actually stand within the Land Registry Title number CB355397 boundary of 45 High Street, Cheveley.) The Senior Trees Officer accepts and apologises that an error was made, in assuming the named owners of 47 High Street also owned 45 High Street, having the same surname. The neighbours at 45 High Street were then sent the TPO for comments, still within the consultation period.

- 5.5 It was appropriate to serve the TPO to allow time for the consideration of the differing views expressed, and for a democratic decision to be made on the future protection of all or some of the five trees.
- 5.6 If the decision by Planning Committee is to confirm the TPO, with or without modifications, this will not necessarily prevent the planning application 18/01556/OUT from being permitted, which if allowed will include the removal of some of the TPO trees, to achieve the site layout proposed.
- 5.7 If the Planning Committee decide not to confirm the TPO, the TPO will lapse and the owners can then remove the trees.

APPENDIX 1 – Letter of objection to the TPO on behalf of the owners.

APPENDIX 2 – Letters and emails supporting the TPO, received during the consultation period.

APPENDIX 3 – Documents:

- Copy of the TPO E/06/18 document and Formal Notice documents, with the minor amendments signed by the Planning Manager.
- ECDC TPO Assessment Sheet

Background Documents

Town & Country Planning Act 1990
 Town & Country Planning (Tree Preservation)(England) Regulations 2012
 National Planning Policy Guidance from 6th March 2014
<http://planningguidance.planningportal.gov.uk/blog/guidance/tree-preservation-orders/how-are-offences-against-a-tree-preservation-order-enforced-including-tree-replacement/>

East Cambridgeshire District Proposed Submission Local Plan

Location(s)

Cathy White, Senior Trees Officer
 Room No. 001
 The Grange
 Ely

Contact Officer(s)

Cathy White
 Senior Trees Officer
 01353 665555
 cathy.white@eastcambs.gov.uk

APPENDIX 1.

Letter of objection to the TPO received on behalf of the owners.

To be circulated to Planning Committee Members prior to the Planning Committee meeting on 6th February 2019.



Ms Rebecca Saunt
East Cambridgeshire District Council
The Grange
Nutholt Lane
Ely
Cambridgeshire
CB7 4EE

Date: 14th December 2018
Our Ref: AR/MBCP/273511-0002
Your Ref: [REDACTED]
Direct No: [REDACTED]
Direct Fax: [REDACTED]
Email: [REDACTED]
Dept: Commercial Property

Dear Ms Saunt

Our Client: [REDACTED]
**Tree Preservation Order – Land at 45 and 47, and rear of 45 and 43 High Street,
Cheveley – No. – E/06/18**

I have been instructed by the owners of the land on which the above Tree Preservation Order (TPO) has been issued to formally object to the confirmation of the order.

I have attached a justification document prepared by Lesley Dickinson, BSC Lam, MARborA., managing director of Trees in Planning Limited, who has set out in details the reasoning for our objection, in particular our concerns regarding the justification in respect of some of the trees included in the TPO.

We believe that the serving of this order is based on concerns by the Parish Council, and the issuing of the TPO has been rushed. This is borne out by the fact there have been two quite significant errors in the TPO, and we therefore believe that the better way to deal with this would be to withdraw the TPO, and serve a TPO just for the Hornbeam T2 and T4 and T5, the Birch Trees.

The site is currently subject to a planning application, so the Council can secure additional trees for the site through a suitably worded planning condition should permission be granted.

Yours sincerely,

[REDACTED]
Amy Richardson
Partner
Ashtons Legal

Ashtons Legal
Chequers House
77-81 Newmarket Road
Cambridge
Cambridgeshire
CB5 8EU

T: 01223 363111
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[REDACTED]

[REDACTED]

[REDACTED]

Lesley Dickinson, BSC Lam., MA ArborA., Managing Director, Trees in Planning Ltd, was requested to review the trees in relation to the Tree Preservation Order E/06/18 (TPO), served in response to the recent planning application on the site.

The TPO was initially served on 23rd November and amended on 27th November due to two errors; both of which are considered to be significant errors not minor as inferred by the Council - namely species of tree and village in which the trees are located.

Further to this it is considered that T3 on the TPO refers to one tree but there are actually two.

Additionally, whilst the TPO was sent to the correct address, it was not addressed to the owner of the land, but to the owner of the adjacent house who happened to have the same name. In light of this the validity of the Tree Preservation Order is questioned.

The justification for this TPO is landscape value, it is considered that for several of the trees it is more a case of ensuring replacement planting than any true landscape value of the particular tree.

Issues above aside, the justification for the inclusion of several trees is questioned, and the notice is challenged on several of the trees.

In light of the comments below, and given the accepted practice of using a tool such as TEMPO to validate the trees worthy of TPO T1 and T2 cannot be justified, and T3 is questionable.

T1 Purple Cherry Plum – an old regenerated stump

- a. It is a formally coppiced tree now more of a multi stemmed shrub, and. in a poor state;
- b. It has extensive deadwood on which there are several deadwood fungi, reducing the safety of limbs;
- c. It unless regularly cut back will affect over head lines;
- d. It unless regularly extensively cut back will a nuisance to pedestrians;
- e. Due to its pot bound location, namely a raised area of approximately 2 m square is, if left unmanaged, i.e. reduced in height, and cut back to safe wood a risk to road users;
- f. Whilst it is acknowledged that it provides some vegetation in the street scene, this does not justify the serving of a tree preservation order, nor a justification to stop development;
- g. Please see photos below with notes.

T2 Hornbeam

- a. It is acknowledged that this is a feature partially visible from the High St;
- b. It is unclear from the TPO which of the two trees present is the TPO, one assumes it is being treated as one tree, though this is not clear. (It is acknowledged that it is referred to as one entity on the tree report, though the 2 trunks are referred)

- c. The tree on the northern side is long and leggy, with a lopsided canopy and appears to be shedding branches, with the resultant decay into the main stem;
- d. The tree on the southern side has a larger canopy area, however this too is lopsided;
- e. There is some areas of fusion in cambial areas, however the extent and stability of same is unknown;
- f. There is also decay in several pockets within the southern tree;
- g. This tree as those above will need ongoing canopy control and potentially bracing to stop it ripping apart, and aside from any development is likely to have a limited life span with the decay pockets present in the main trunk;
- h. This tree is clearly indicated for retention with in the application and therefore was not under threat, and could with planning protection conditions been safely retained and therefore the need for the TPO is questioned.

T3 Plum formerly Pear

- a. It has minimal if any landscape value to the street scene – i.e. from a public view point;
- b. It has extensive deadwood and hanging broken limbs;
- c. Deadwood fungi is clearly evident, plus extensive cavities and torn limbs;
- d. The canopy is totally lopsided due to the ‘hacking back’ to the boundaries by those, it is assumed at No 43, but not the owners of the tree;
- e. There is no landscape or value in the retention of this tree, and therefore no justification for it to be included in the TPO, nor be a constraint to development.

T4 and T5 Birch

- a. These trees have historically caused structural issues to both the garage structure and the water mains, and given their proximity it is likely that this will be an ongoing problem;
- b. The canopy of T4 needs management to avoid overhead lines;
- c. Whilst the driveway is shown for widening, these trees were not indicated for removal, and the form of driveway could be conditioned, and they can easily protected during development.

Whilst some work to these trees could be undertaken without any permission i.e. deadwooding, the need for an application to continue on-going maintenance aside from any development is unreasonable and a total waste of time, given the quality of the trees.

It is noted that these five trees have been specifically selected as ‘worthy’ of retention and in light of this, the loss of and work to the other trees indicated within the application has been accepted as reasonable and justified. Acknowledging that several of the trees on site should either be removed or extensively reduced to limit risk to people, property and stop the trees actually pulling themselves apart with large tears.

Photographs T1



T1 multi stemmed ivy covered coppice in small raised area held in by slabs the innerside being steeply banked



T3 Plum



deadwood and decay fungi

heavy previous lopping

cut back to boundary



deadwood

hanging deadwood

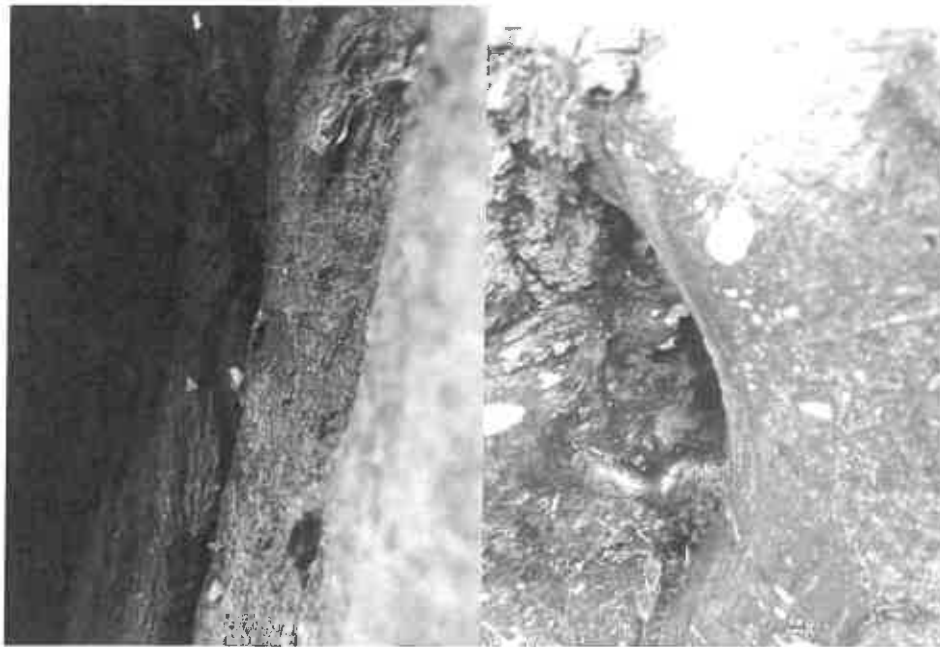
T2 Hornbeam



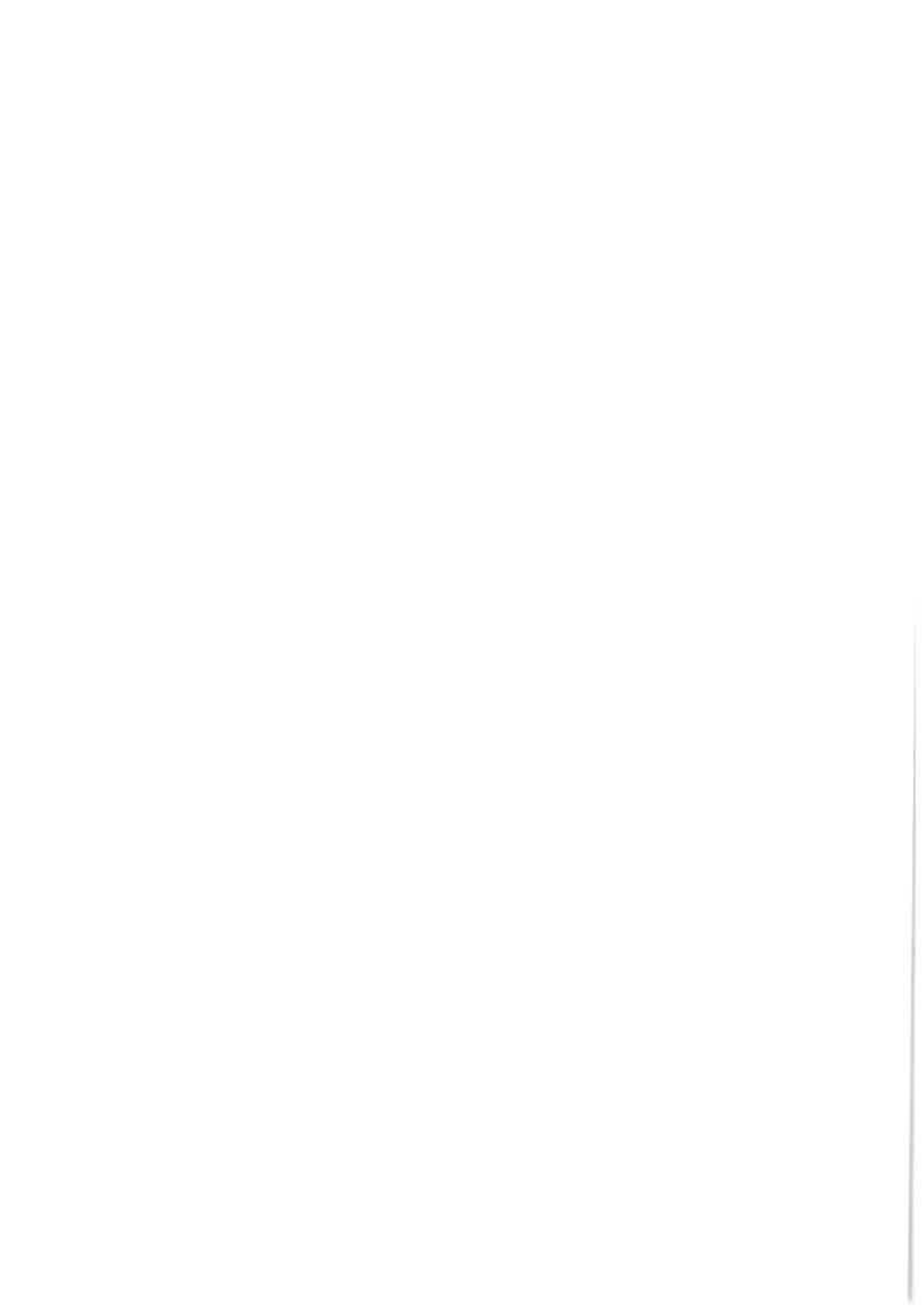
poor union area between

separating canopies
trunks

broken limbs



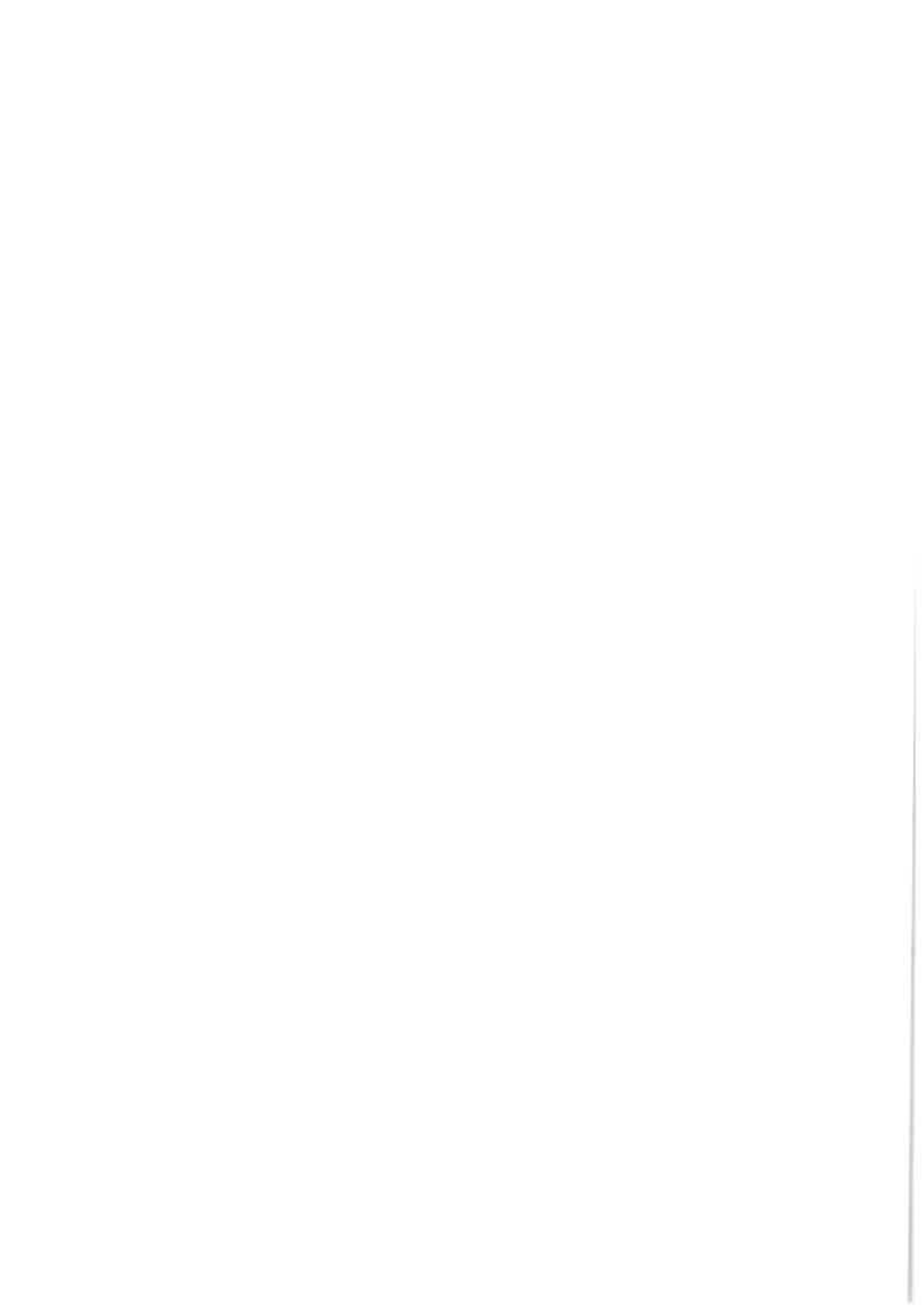
cavities in the southern limb



APPENDIX 2.

Letters and emails supporting the TPO, received during the consultation period.

To be circulated to Planning Committee Members prior to the Planning Committee meeting on 6th February 2019.



[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

Phone: [REDACTED]

Cathy White
Senior Trees Officer
East Cambridgeshire District Council
The Grange
Nutholt Lane
ELY
Cambridgeshire
CB7 4EE

30th December 2018

Dear Cathy,

Tree Preservation Order: E/06/18

We understand ECDC has issued a Tree Preservation Order under the above reference and in relation to trees on land at 45 & 47, and the rear of 45 & 43 High Street, Cheveley CB8 9DQ.

We reside at [REDACTED] and submit this letter in full support of the Order.

The Order relates to a total of five trees at the above locations which are all identified on the map attached to the Order.

T1: Purple Cherry Plum

This established healthy tree is one of the few remaining trees in this part of the High Street. It is located on a raised bank in the corner of the front garden of No.45 High Street close to the pavement and road. It can be clearly seen and enjoyed by neighbours, pedestrians and passing vehicles. This cherry plum tree is already in bud and usually blossoms in late-winter to early spring creating an abundance of colour. It is an attractive natural asset to the local community and provides an essential wildlife habitat helping to maintain the biodiversity of this part of the village. This colourful tree helps to form a pleasant visual amenity to this busy stretch of the High Street by adding texture, colour and beauty to the local landscape. It is a stunning tree and of aesthetic value due to its location and natural appearance. In recent weeks numerous other trees and hedges in this and the neighbouring garden of No.47 have been cleared and we strongly believe the loss of this important purple cherry plum tree would remove our and other villagers' enjoyment of its presence, colour and purpose besides having a detrimental impact on the environment and local wildlife.

T2-T5: Various species

These four established trees cannot be seen from the road, but they help to provide a spectacular view across the rear gardens and open countryside of the local residences on this east side of the High Street.

From our garden and bedroom windows we can clearly see the Hornbeam, Plum and tall Silver Birch trees which add to the picturesque views we're lucky to have enjoyed for years. We know these specific trees attract a lot of wildlife due to their size and maturity and are fortunate to regularly see squirrels, robins, magpies, woodpeckers, owls, tits and sparrows many of which nest, roost and feed in these trees. Unfortunately, in the last few weeks, there has been a sudden and very significant loss of the natural and aesthetic outlook due to a large number of similar mature and even young trees being felled which were all within the boundaries of No. 45, 47 and 47a. This has already had and will have a major impact on the birds and wildlife which depend on these established trees for shelter and food. With such a substantial number of trees now suddenly gone, this has already had a detrimental impact on the local environment, aesthetic appearance and biodiversity. The further loss of these four trees must not be allowed to happen as this will have a further adverse impact on the local environment, wildlife and enjoyment of the natural landscape.

Cheveley is a beautiful village of historic significance which, due to a recent significant increase in local developments, is rapidly losing much of its natural fauna, flora and trees. Trees along linear features such as village roads and footpaths are important landscape features and their loss threatens ecological connectivity. Established trees such as these are 'keystone' structures of a community's landscape and provide habitat corridors for a variety of the village wildlife. The trees in Cheveley are both our past inheritance and our future legacy, and as such it is the responsibility of everyone to ensure the trees in Cheveley are protected.


We fully support the Tree Preservation Order on these five trees and seek reassurance that we will be informed by ECDC at the earliest opportunity if there is any variance in this legal order.

Thank you.

Yours sincerely,

Submitted by email: 31st December 2018





East Cambridgeshire District Council
The Grange
Nutholt Lane
Ely
Cambridgeshire,
CB7 4EE

30th December 2018

For the attention of Cambridgeshire District Council, care of Cathy White, Senior Trees Officer.


Dear Sir / Madam,

TPO REFERENCE Number: Cheveley/TPO/E/06/18

Parish of Cheveley in the County of Cambridgeshire Tree Preservation Order Land at 45 and 47, and rear of 45 and 43 High Street, Cheveley, CB8 9DQ

We write in full support of the five tree preservation orders at the above addresses and strongly deem that they should remain in place as permanent orders.

The loss of trees from the above locations has already been radical and hugely detrimental to the local environment both aesthetically and ecologically. Any planned replacement planting would take more than a generation to recover what has already been lost – swift action now to prevent further loss and protect the surviving trees is essential.

The TPO's need to be permanent to protect the remaining trees which are of great amenity benefit to Cheveley. The Purple Cherry Plum on the front boundary of 45 High Street has particular amenity value to the High Street vista. We considered this amenity value ourselves when we recently removed Lalandi trees from our driveway, ahead of resurfacing it,  but left in place the Silver Birch Tree (which doesn't have a TPO). It would be a sad and irreplaceable loss to the view along the High Street to remove this Purple Cherry Plum. It's a very pretty tree and has beautifully scented, delicate blossom.

The Hornbeam at location T2 is a magnificent tree that has a striking silhouette and makes a significant contribution to the visual amenity due to its beauty and aesthetic value. It is large, mature and beautiful and it would be a travesty if lost.

The trees at locations T1 - T5 are a small remaining token compared to the large tree number already felled. The environmental value of the huge number of trees already removed on this land shouldn't be underestimated. In a world facing climate change planting trees, not removing them, should be atop of all our agendas. The remaining trees are part of the backdrop of Cheveley and represent the inheritance we can pass to the next generation; it is our responsibility to ensure that they are protected and that we leave this legacy for the future. These few remaining trees bring significant amenity benefit to the surrounding area. This protection is particularly important in the light of requests to develop this area, significantly changing the environment. The loss of these trees would have a very negative impact on the visual amenity. They are all that's left to give the landscape character and the pleasant 'green' environment that has come to represent Cheveley.

We would be most grateful to receive news of your decision on these TPO's. If any of them are removed we would very much appreciate it if you could provide us with the reasons for such a decision.

Yours faithfully

A solid black rectangular redaction box covering the signature area.



30 December 2018

Dear Cathy,

Reference: Cheveley/TPO/E/06/18
Location: Land to rear of 37-47 High Street, Cheveley, CB8 9DQ

We refer to your letter, dated 27 November 2018, enclosing the formal notice of the Tree Preservation Order placed on five trees on the above site. We have lived in our home next to the site for seventeen years and know the village and surrounding area very well.

This letter is to confirm that we fully support the confirmation of the order to provide long term protection for these trees in our community.



The above picture shows nos.37-45 High Street and the array of healthy, mature, established trees that created the beautiful woodland landscape around and behind our home, prior to the extensive felling that started in October 2018 (prior to completion of a tree survey) and has continued since. No.47 (Freshwinds) is in the bottom right corner. The persistent sound of chainsaws and wood chippers has been very distressing as we have watched branches and trunks fall to the ground and mature mixed hedging being ripped out. The degree of removal is such that nos.47 and 47a are visible from our properties for the first time in seventeen years and the landscape is barren (see pictures below) with the exception of the trees T1, T2 and T3 that have had TPOs placed on them.



T3, the Heritage Plum, the sole remaining tree in the old orchard.



T2, the hornbeam (tallest in photo), stands alone – other visible trees in neighbouring gardens.

The area was filled with wildlife (hedgehogs, deer, bats and a wide variety of birds). The already significant impact on the biodiversity of the area will become more apparent in the coming seasons. It is therefore important that the remaining mature trees, **T1, T2, T3** are retained to provide habitat and food for all species.

Many of the trees felled were old fruit varieties, the land having formed part of the old orchard in Cheveley, well known amongst the community and a significant part of village history. Our own apple trees have TPOs placed on them and it is important that the history and character of our village is preserved by retaining these irreplaceable species such as the **T3 Heritage Plum** and **T1 Purple Cherry Plum** in the order.

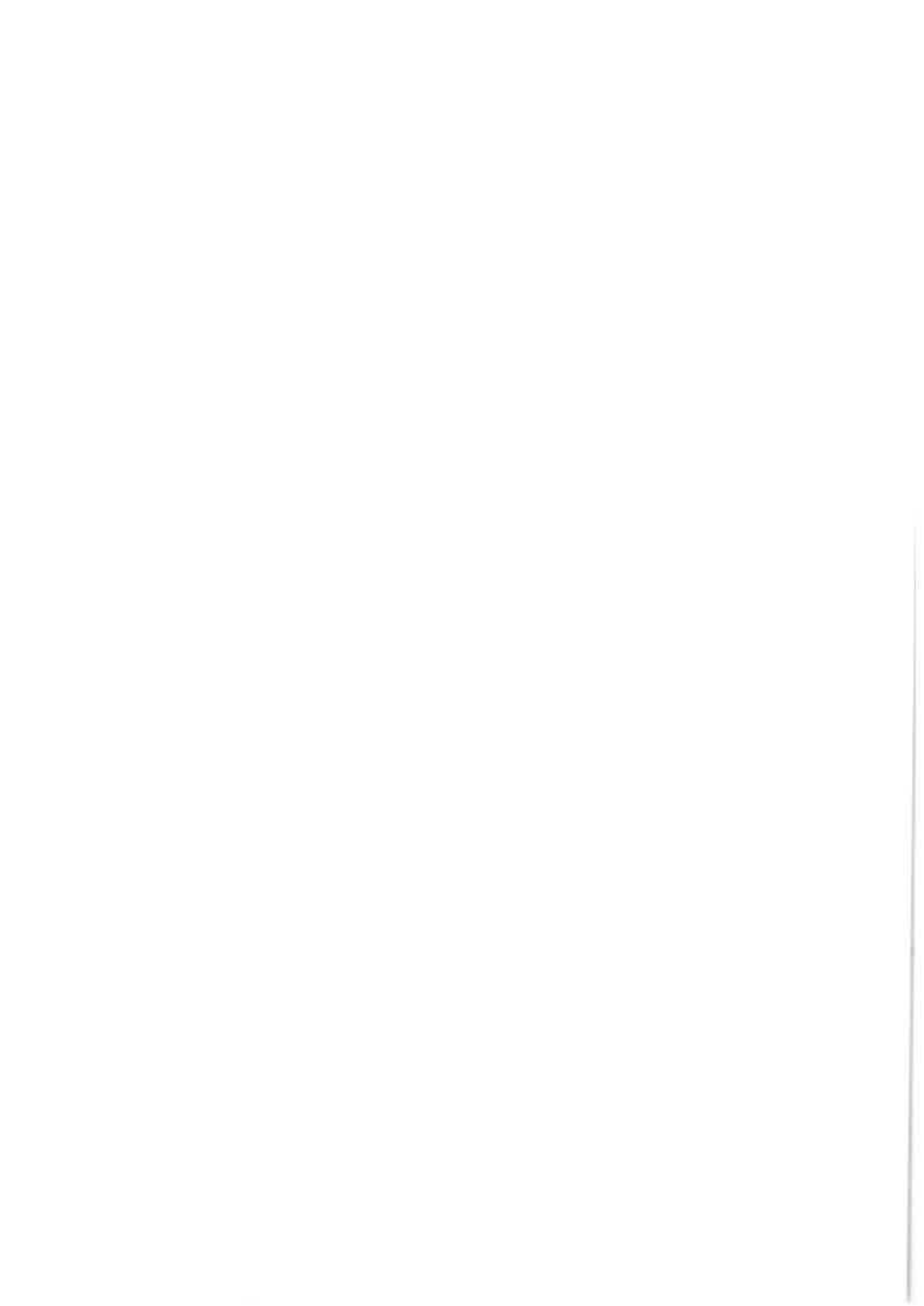
As can be seen from the first picture, **T1, T2 (Hornbeam)** and **T3** can be seen from Cheveley High Street and provide great amenity value to our home, the village and the street scene. They are all beautiful deciduous trees, the cherry plum with spectacular foliage and fruit, as too the heritage plum and the hornbeam sits majestically in its setting. Each is irreplaceable in its own way. **T1**

(Cherry Plum) lies on the edge of the High Street and it would be impossible to mitigate for a tree of this maturity and stature elsewhere on the High Street as it would be in very close proximity to no.45. Removal of this tree would severely impact on the amenity value of the High Street.

Our own properties (37-45) have benefited for decades from the amenity value that these trees have provided us and we urge you to confirm the order to maintain the character, amenity, biodiversity and history of our village.

Yours sincerely

A solid black rectangular redaction box covering the signature area.



Cathy White

From: [REDACTED]
Sent: 30 December 2018 17:47
To: Cathy White
Subject: TPO E/06/18

Further to your letter of 27th November, I am writing in support of permanent TPOs being placed on the trees concerned.

T1 is very decorative and provides amenity for this part of the High Street.

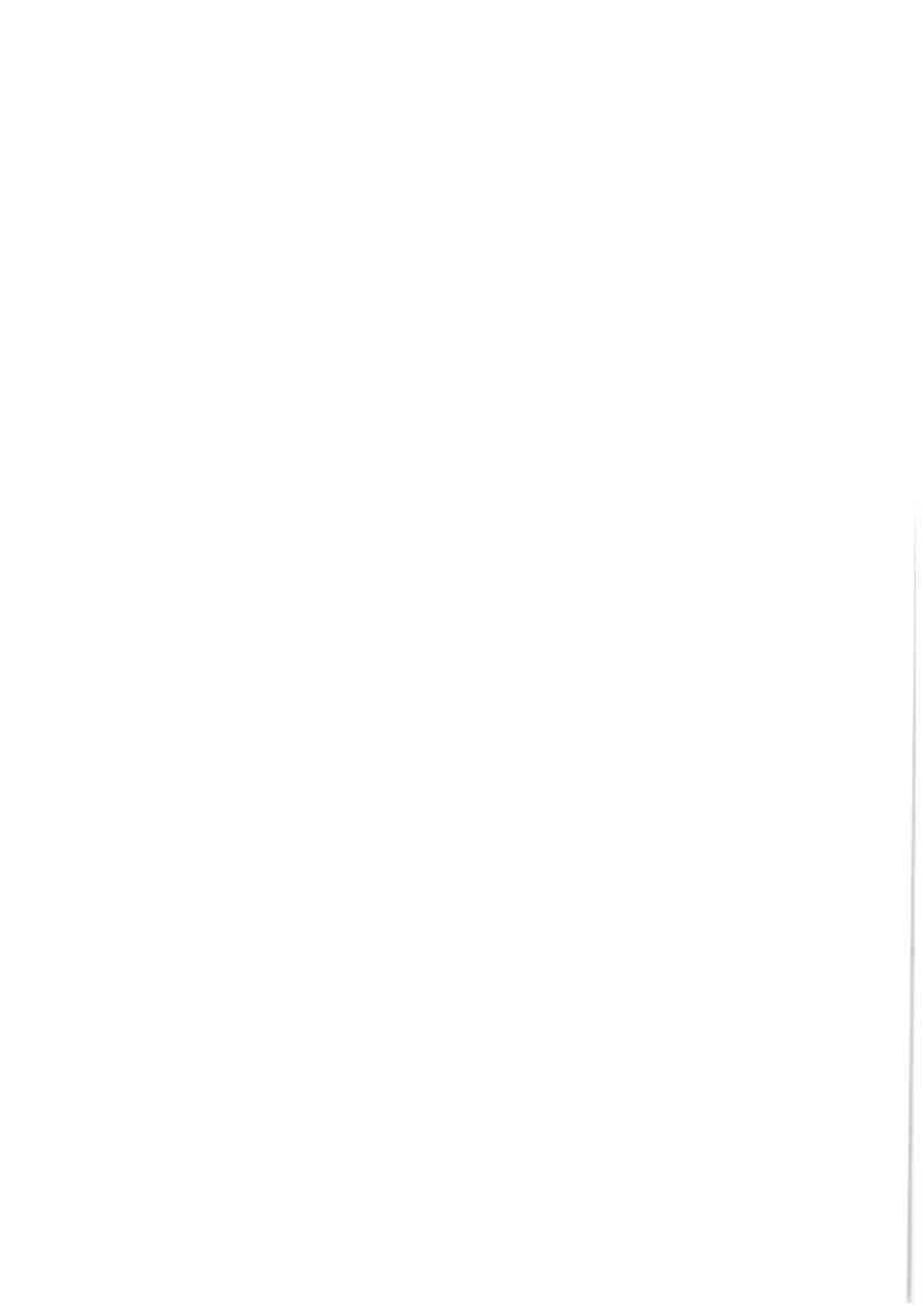
T2 is a substantial tree providing great habitat for wildlife; the tree is clearly visible from a number of gardens and would be a great loss to the area.

T3 this plum tree is one of a few remaining trees from the old orchard which once occupied this and adjoining sites and again provides habitat for wildlife

T4 & T5 are both visible from my garden and would be a loss to the environment.

Such established trees in the landscape are an important part of the look of the village and are well worthy of our care and protection.

Regards
[REDACTED]



From: [REDACTED]
Sent: 31 December 2018 11:45
To: Cathy White <Cathy.White@eastcambs.gov.uk>
Subject: TREE PRESERVATION ORDER E/06/18 :
Importance: High

Dear Ms White

I write in support of permanent retention of the Tree Preservation Order E/06/18 in relation to the Planning Application 18/01556/OUT Freshwinds, 47 High Street Cheveley, CB8 9DQ.

[REDACTED]
[REDACTED] To my sadness and utter dismay virtually the only trees remaining on the proposed site are those currently protected by the TPO. I attach photographs taken from my boundary fence this morning which illustrate the sheer devastation the wanton felling of trees has created. I also attach a photograph taken from my rear bedroom window which illustrates the fact that I now have a full view of Mr and Mrs Crouchman's house, 47 High Street. I have lived in the village for over eight years and this is the very first time I have had sight of this property as it was previously shielded by trees. What is more, I am a keen gardener and have done my very utmost during my tenure at my property to encourage wildlife and importantly birds. One thing I have noticed, again with a heavy heart, is the dramatic drop in birds feeding in my garden and concomitant beautiful birdsong, notwithstanding that it is winter.

In light of the above, I think it imperative that the TPOs are retained on T2 and T3 not only for their visual amenity but as havens for wildlife.

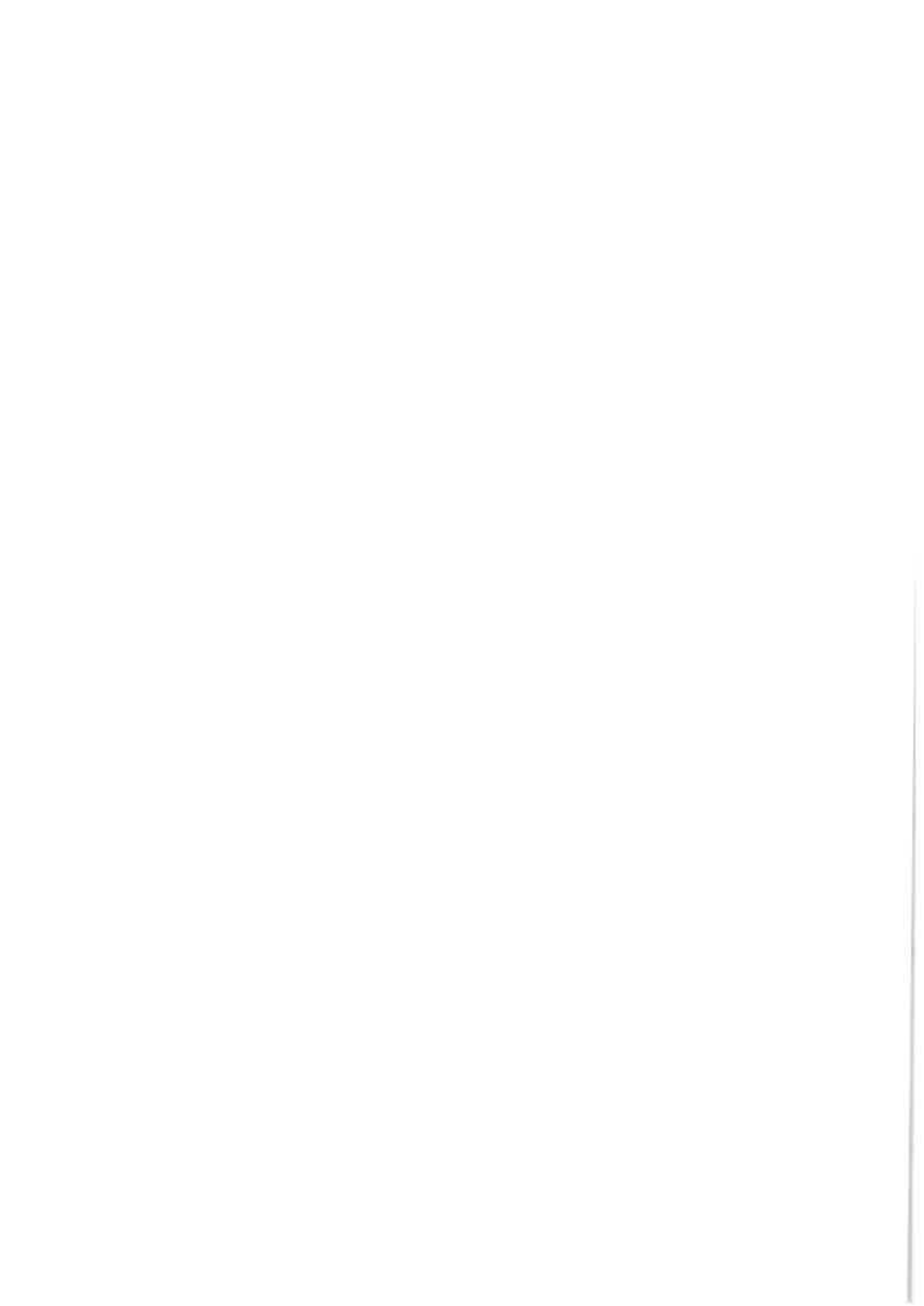
What is more, T4 and T5 are of great visual amenity and should also be preserved.

T1 this tree has significant amenity value on the roadside and adds to the street scene on this uncompromising corner. In addition to its aesthetic value it also serves as a visual break to drivers heading up the village often at speed.

I do hope you look favourably on these comments.

Yours sincerely

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]



From: [REDACTED]
Sent: 31 December 2018 11:35
To: Cathy White <Cathy.White@eastcambs.gov.uk>
Subject: TPO E/06/18 High Street, Cheveley - Freshwinds

Dear Cathy

Further to your letter of 27th November, I am writing in support of permanent TPOs being placed on the trees concerned.

T1 is very decorative and provides an important amenity for this part of the High Street. Similar trees in the garden of No 39 have already been protected by a TPO for the same purpose which is to ensure that amenity value is not lost.

T2 is a substantial tree providing great habitat for wildlife. The tree is clearly visible from several gardens and would be a great loss to the area. I and other neighbours have not been able to see Freshwinds due to sheltering trees and hedging. Now these are removed, the house and area are clearly visible. To remove this tree as well, would create an open space which would be to the detriment of wildlife and neighbouring views.

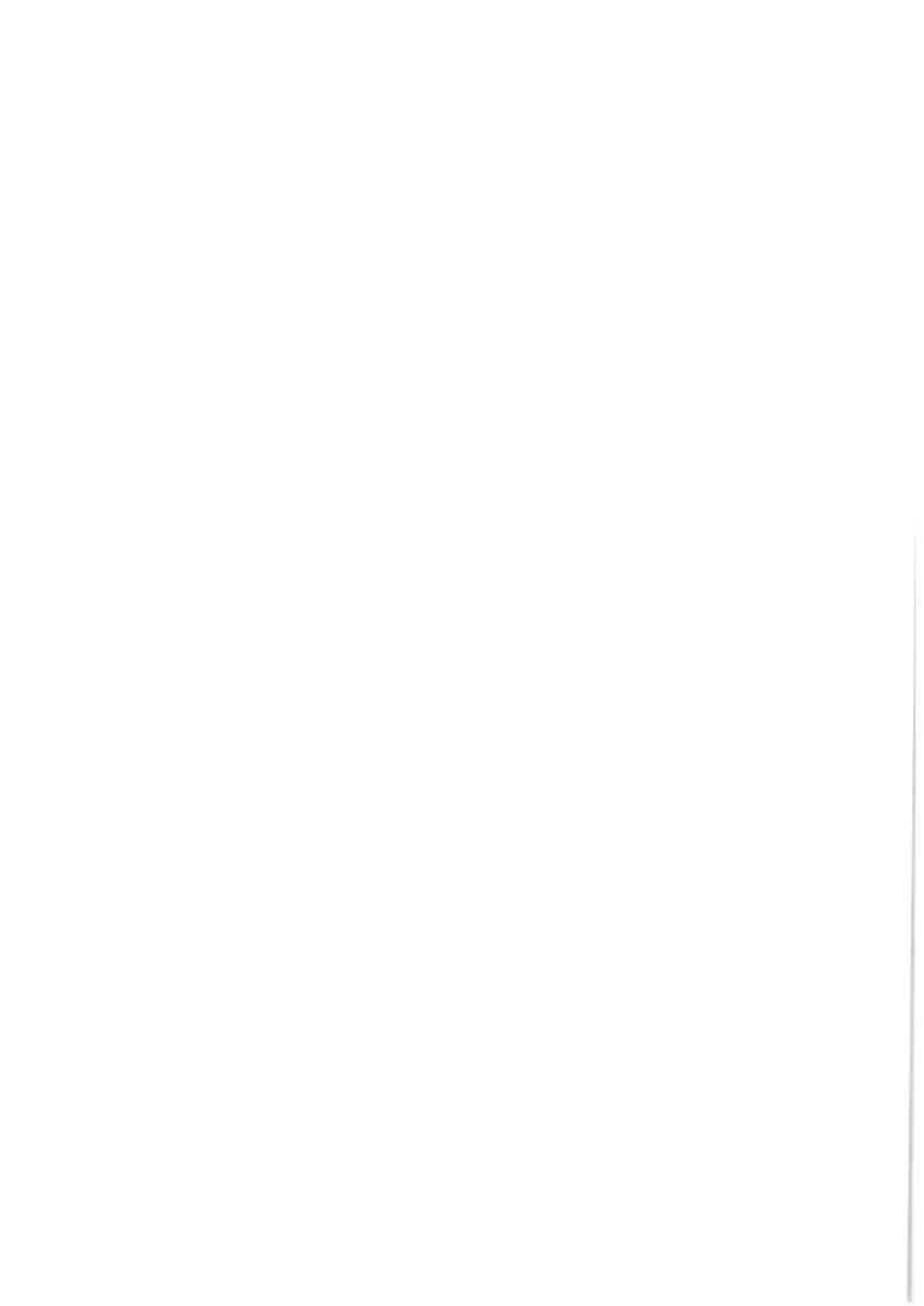
T3 this plum tree is one of a few remaining heritage fruit trees from the historic old orchard which once occupied this and adjoining sites. Again, other heritage fruit trees from the same orchard have already been protected by TPOS in order to maintain some heritage and protect this old species. [REDACTED] this tree and it provides habitat for wildlife which can be seen throughout the year and particularly when it fruits. As neighbours to this site, we noted a large number of mixed native birdlife which used to regularly visit our feeders. Since the large number of trees, nesting and landing spots have been recently removed, these regular visitors have all but disappeared. It would be a huge shame if this is permanent. It has never been maintained by the current owners which can be seen by its shape. To have TPO which would require it would need professionally looking after like other heritage trees in the locality cannot be a bad thing.

T4 & T5 are both visible from the gardens of several neighbours and would be a loss to the environment.

With best wishes

[REDACTED]

[REDACTED]

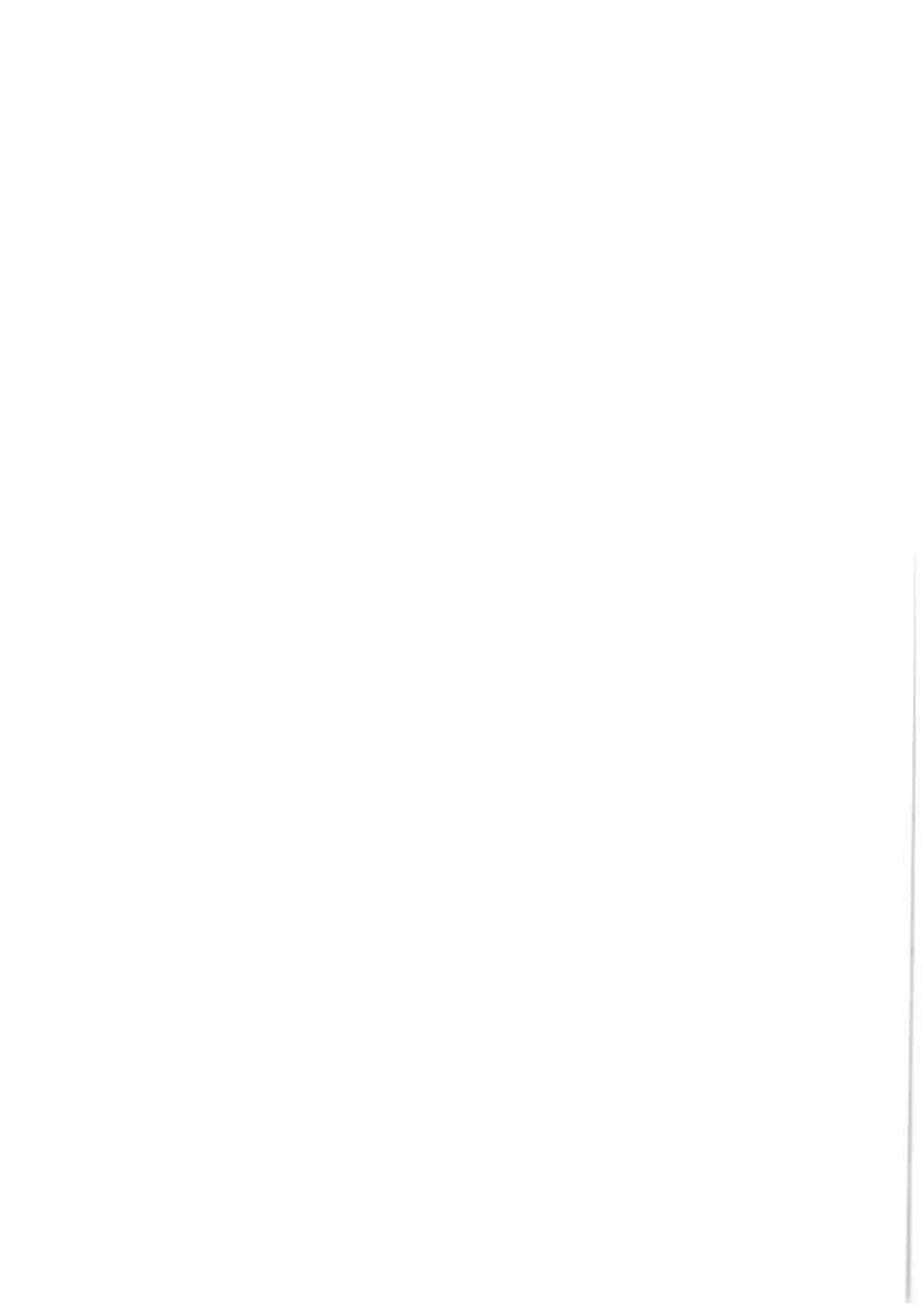


APPENDIX 3.

Documents:

- **Copy of the TPO E/06/18 document and Formal Notice, with the minor amendments signed by the Planning Manager.**
- **ECDC TPO Assessment Sheet**

To be circulated to Planning Committee Members prior to the Planning Committee meeting on 6th February 2019.



Dated: 23rd November 2018

E/06/18

TOWN AND COUNTRY PLANNING ACT 1990

TREE

PRESERVATION

ORDER

Relating to: - Land at 45 and 47, and rear of 45 and 43 High
Street, Cheveley, CB8 9DQ

Printed and Published by:
East Cambridgeshire District Council The Grange Nutholt Lane Ely Cambs CB7 4EE

ORDER.TPO

**TOWN AND COUNTRY PLANNING (TREE PRESERVATION) (ENGLAND)
REGULATIONS 2012**

TREE PRESERVATION ORDER

**Town and Country Planning Act 1990
The Tree Preservation Order Land at 45 and 47, and rear of 45 and 43 High
Street, Cheveley, CB8 9DQ, E/06/18 2018**

The East Cambridgeshire District Council, in exercise of the powers conferred on them by section 198 of the Town and Country Planning Act 1990 make the following Order—

Citation

1. This Order may be cited as the Tree Preservation Order Land at 45 and 47, and rear of 45 and 43 High Street, Cheveley, CB8 9DQ, E/06/18 2018 

Interpretation

2. (1) In this Order "the authority" means the East Cambridgeshire District Council
- (2) In this Order any reference to a numbered section is a reference to the section so numbered in the Town and Country Planning Act 1990 and any reference to a numbered regulation is a reference to the regulation so numbered in the Town and Country Planning (Tree Preservation)(England) Regulations 2012.

Effect

3. (1) Subject to article 4, this Order takes effect provisionally on the date on which it is made.

(2) Without prejudice to subsection (7) of section 198 (power to make tree preservation orders) or subsection (1) of section 200 (tree preservation orders: Forestry Commissioners) and, subject to exceptions in regulation 14, no person shall-

- (a) cut down, top, lop, uproot, wilfully damage, or wilfully destroy; or
- (b) cause or permit the cutting down, topping, lopping, uprooting, wilful damage or wilful destruction of,

any tree specified in the Schedule to this Order except with the written consent of the authority in accordance with regulations 16 and 17, or of the Secretary of State in accordance with regulation 23, and, where such consent is given subject to conditions, in accordance with those conditions.

Application to trees to be planted pursuant to a condition

4. In relation to any tree identified in the first column of the Schedule by the letter "C", being a tree to be planted pursuant to a condition imposed under paragraph (a) of section 197 (planning permission to include appropriate provision for preservation and planting of trees), this Order takes effect as from the time when the tree is planted.

Dated this [23] day of November 2018

[Signed on behalf of the East Cambridgeshire District Council


.....
Authorised by the Council to sign in that behalf]

[CONFIRMATION OF ORDER

[This Order was confirmed by East Cambridgeshire District Council without modification on the [] day of []

OR

[This Order was confirmed by East Cambridgeshire District Council, subject to the modifications indicated by *[state how indicated]*, on the [] day of *[insert month and year]*]

.....
Authorised by the Council to sign in that behalf]

[DECISION NOT TO CONFIRM ORDER

[A decision not to confirm this Order was taken by East Cambridgeshire District Council on the [] day of *[insert month and year]*]

.....
Authorised by the Council to sign in that behalf]

[VARIATION OF ORDER

[This Order was varied by the East Cambridgeshire District Council on the [] day of *[insert month and year]* under the reference number *[insert reference number of the variation order]*]

.....
Authorised by the Council to sign in that behalf]

[REVOCATION OF ORDER

[This Order was revoked by the East Cambridgeshire District Council on the [] day of *[insert month and year]* under the reference number *[insert reference number of the revocation order]*]

.....
Authorised by the Council to sign in that behalf]

SCHEDULE

SPECIFICATION OF TREES

Trees specified individually (encircled in black on the map)

Reference on map	Description	Situation
T1	Purple Cherry Plum	Tree stands on front boundary at 45 High Street, Cheveley.
T2	Hornbeam	Tree stands on land west of the house at 47 High Street, Cheveley
T3	Real Plum <i>27/11/18</i>	Tree stands on boundary of site behind garden land of 43 High Street, Cheveley
T4	Silver Birch	Front garden of 47 High Street, Cheveley
T5	Silver Birch	Front garden of 47 High Street, Cheveley

Trees specified by reference to an area (within a dotted black line on the map)

Reference on map	Description	Situation
	NONE	

Groups of trees (within a broken black line on the map)

Reference on map	Description (including number of trees in the group)	Situation
	NONE	

Woodlands (within a continuous black line on the map)

Reference on map	Description	Situation
	NONE	



East Cambridgeshire
District Council

Date: 23/11/2018

Scale: 1:850

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23 NOVEMBER 2018



Revised

TPO/06/18

LAND AT 45 AND 47, AND

REAR OF 45 AND 43

HIGH STREET,

CHEVELEY, CB8 9DQ

T1 PURPLE CHERRY PLUM

T2 HORNBEAM

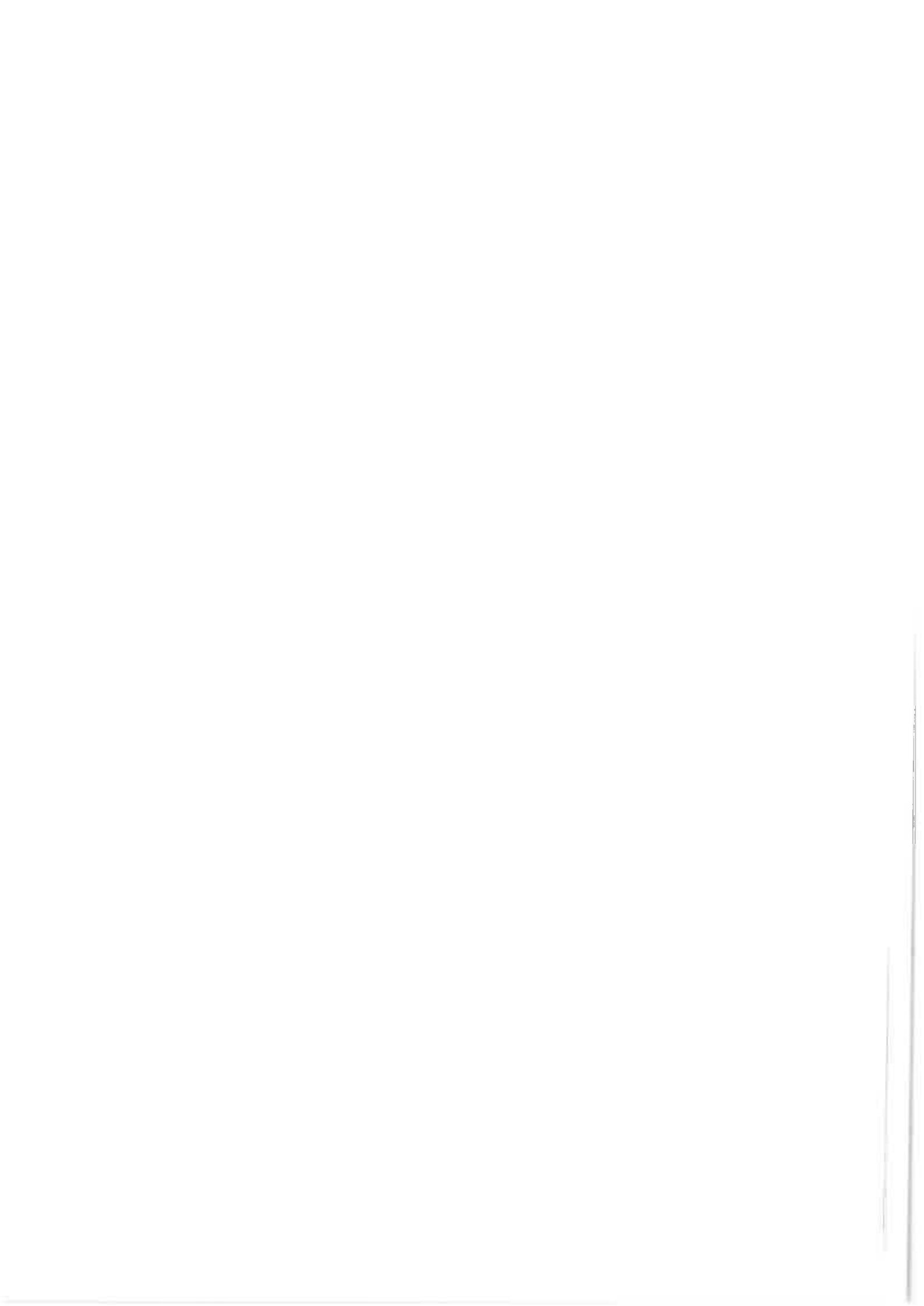
T3 PEAR PLUM

T4 SILVER BIRCH

T5 SILVER BIRCH

Revised
23/11/18





IMPORTANT – THIS COMMUNICATION MAY AFFECT YOUR PROPERTY

TOWN & COUNTRY PLANNING ACT 1990
TOWN & COUNTRY PLANNING (TREE PRESERVATION) (ENGLAND) REGULATIONS 2012
Cheveley ~~Repeal~~ *27/11/18*
Parish of ~~Repeal~~ in the County of Cambridgeshire
Tree Preservation Order Land at 45 and 47, and rear of 45 and 43 High Street, Cheveley,
CB8 9DQ No. – E/06/18

THIS IS A FORMAL NOTICE to let you know that on **23rd November 2018** the Council made the above Tree Preservation Order.

A copy of the Order is enclosed. The Order has been made because a planning application has been received which will require the loss of some of the trees and have a negative impact on or threaten the retention of trees on this site. The trees have been assessed to have a significant landscape value worthy of retention in this local landscape.

It is therefore considered justified to afford the tree the protection of a Tree Preservation Order.

Briefly, the effect of the Order, is to make it an offence (subject to certain exceptions) to cut down, top, lop, uproot, wilfully damage or wilfully destroy or cause or permit the cutting down, topping, lopping, up-rooting, wilful damage or wilful destruction of any trees specified in the Order, without the consent of the District Council.

Some explanatory guidance on Tree Preservation Orders is given in the enclosed leaflet, *Protected Trees: A guide to Tree Preservation Procedures*, produced by the Department for Communities and Local Government.

The Order took effect on **23rd November 2018** It will remain in force for a further 6 months during which time the District Council will consider whether to confirm the Order. Once confirmed the Order remains in force unless or until the Council formally revoke it.

If you would like to make any objections or comments, the deadline for this is **Monday 31st December 2018**. Your comments must be submitted in writing and meet regulation 6 of the Town and Country Planning (Tree Preservation) (England) Regulations 2012 (please see overleaf). The Planning Committee will then consider these when deciding whether to confirm the Order (make the Order permanent).

If in the meantime, you would like to speak to someone about the Tree Preservation Order please telephone Cathy White, Senior Trees Officer on 01353 616336. I will write further to advise you of the Council's decision in respect of confirmation of the Order in due course.

DATED: **23RD NOVEMBER 2018**

SIGNED: 
Planning Manager
on behalf of East Cambridgeshire District Council

Enc.

Please see Regulation 6 overleaf Regarding the Submission of objections & representations

COPY OF REGULATION 6 OF THE TOWN AND COUNTRY PLANNING (TREE PRESERVATION) (ENGLAND) REGULATIONS 2012

Objections and representations

6(1) Subject to paragraph (2), objections and representations-

(a) shall be made in writing and -

(i) delivered to the authority not later than the date specified by them under regulation 5(2)(c); or

(ii) sent to the authority in a properly addressed and pre-paid letter posted at such time that, in the ordinary course of post, it would be delivered to them not later than that date;

b) shall specify the particular trees, group of trees or woodland (as the case may be) in respect of which such objections and representations are made; and

c) in the case of an objection, shall state the reasons for the objection.

6(2) The authority may treat as duly made objections and representations which do not comply with the requirements of paragraph (1) if, in the particular case, they are satisfied that compliance with those requirements could not reasonably have been expected.

TREE PRESERVATION ORDER ASSESSMENT SHEET

Location (address, and detailed location; attach sketch plan): Land at 45 and 47, and rear of 45 & 43 High Street, Cheveley, CB8 9DQ.

Date of inspection: 16/11/18

Tree(s) assessed by: Maralyn Pickup Tree Consultant working on behalf of ECDC

DESCRIPTION OF TREE(S) – location and setting, species
<p>T1 Purple Cherry Plum T2 Hornbeam T3 Plum T4 Silver Birch T5 Silver Birch</p>

CRITERION [see guidance notes]	ASSESSMENT
AMENITY VALUE	
Visibility from a public place	Yes, T1 visible from roadside. T2, T3, T4 & T5 have limited visibility to the general public from the High Street, but clearly visible to neighbouring properties surrounding the site.
<p>Individual Impact</p> <p>(i) size, form (inc health/condition)</p> <p>(ii) intrinsic beauty and/or contribution to the landscape (inc estimated life-expectancy and appropriateness to setting of the species)</p> <p>(iii) scarcity</p> <p>(iv) future amenity potential</p> <p>(v) distance from built structures and public highway, and impact the growth of a tree may have on these</p> <p>(vi) special or other factors</p>	<p>The 5 trees have variable form and condition.</p> <p>The trees make some contribution to the local landscape.</p> <p>Not scarce.</p> <p>Some amenity value as demonstrated by neighbours' request to retain and protect the trees they value.</p>

Collective impact (for a group of trees or a woodland)	
Wider Impact (i) significance in local setting (ii) suitability (iii) impact having regard to presence of other trees	Some limited significance. T3, T4 & T5 have better amenity value.
EXPEDIENCY	
Evidence for risk of the tree being cut down or pruned	Work had recently begun in November 2018 to clear trees/vegetation from the site.
Would felling/pruning have a significant impact on the amenity of the area?	Some impact, but limited.
Is the risk immediate?	Yes.

SUMMARY ASSESSMENT – APPROPRIATENESS OF IMPOSING A TPO

TPO will prevent the 5 trees from being removed before the planning application 18/01556/OUT for the site has been fully considered and determined.

**TREE PRESERVATION ORDER ASSESSMENT SHEET
GUIDANCE NOTES**

CRITERION	GUIDANCE
AMENITY VALUE	
<p>Visibility from a public place</p> <p>Individual Impact</p> <p>(i) size, form</p> <p>(ii) intrinsic beauty and/or contribution to the landscape</p> <p>(iii) scarcity</p> <p>(iv) future amenity potential</p> <p>(v) special or other factors</p> <p>Collective impact (for a group of trees or a woodland)</p> <p>Wider Impact</p> <p>(i) significance in local setting</p> <p>(ii) suitability</p> <p>(iii) impact having regard to presence of other trees</p>	<p>The Act does not define 'amenity', nor does it prescribe the circumstances in which it is in the interests of amenity to make a TPO. In the Secretary of State's view, TPOs should be used to protect selected trees and woodlands if their removal would have a significant impact on the local environment and its enjoyment by the public.</p> <p>LPA's should be able to show that a reasonable degree of public benefit would accrue before TPOs are made or confirmed. The trees, or at least part of them, should therefore normally be visible from a public place, such as a road or footpath, although, exceptionally, the inclusion of other trees may be justified. The benefit may be present or future; trees may be worthy of preservation for their intrinsic beauty or for their contribution to the landscape or because they serve to screen an eyesore or future development; the value of trees may be enhanced by their scarcity; and the value of a group of trees or woodland may be collective only. Other factors, such as importance as a wildlife habitat, may be taken into account which alone would not be sufficient to warrant a TPO. In the Secretary of State's view, it would be inappropriate to make a TPO in respect of a tree which is dead, dying or dangerous.</p> <p>LPA's should be able to explain to landowners why their trees or woodlands have been protected by a TPO. They are advised to develop ways of assessing the 'amenity value' of trees in a structured and consistent way, taking into account the following key criteria:</p> <p>(1) visibility: the extent to which the trees or woodlands can be seen by the general public will inform the LPA's assessment of whether its impact on the local environment is significant. If they cannot be seen or are just barely visible from a public place, a TPO might only be justified in exceptional circumstances;</p> <p>(2) individual impact: the mere fact that a tree is publicly visible will not itself be sufficient to warrant a TPO. The LPA should also assess the tree's particular importance by reference to its size and form, its future potential as an amenity, taking into account any special factors such as its rarity, value as a screen or contribution to the character or appearance of a conservation area. As noted in paragraph 3.2 above, in relation to a group of trees or woodland, an assessment should be made of its collective impact;</p> <p>(3) wider impact: the significance of the trees in their local surroundings should also be assessed, taking into account how suitable they are to their particular setting, as well as the presence of other trees in the vicinity.</p>
EXPEDIENCY	
<p>Evidence for risk of the tree being cut down or pruned</p> <p>Would felling/pruning have a significant impact on the amenity of the area?</p> <p>Is the risk immediate?</p>	<p>Although a tree may merit protection on amenity grounds it may not be expedient to make it the subject of a TPO. For example, it is unlikely to be expedient to make a TPO in respect of trees which are under good arboricultural or silvicultural management.</p> <p>It may be expedient to make a TPO if the LPA believe there is a risk of the tree being cut down or pruned in ways which would have a significant impact on the amenity of the area. It is not necessary for the risk to be immediate. In some cases the LPA may believe that certain trees are at risk generally from development pressures. The LPA may have some other reason to believe that trees are at risk; changes in property ownership and intentions to fell trees are not always known in advance, and so the protection of selected trees by a precautionary TPO might sometimes be considered expedient.</p>





East Cambridgeshire District Council

Town and Country Planning Act 1990
Town and Country Planning
(Tree Preservation) (England)
Regulations 2012

TREE PRESERVATION ORDER

No. E/06/18

Land at 45 and 47
Rear of 45 and 43
High Street
Cheveley
CB8 9DQ

T1 - Purple Cherry Plum

T2 - Hornbeam

T3 - Plum

T4 - Silver Birch

T5 - Silver Birch

PLANNING SERVICE

The Grange, Nutholt Lane, Ely, Cambs CB7 4EE
R. Saunt, Planning Manager

The tree locations are indicative and
may not reflect the exact locations

Date: 24/01/2019

Scale: 1:1,250



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Planning Performance – December 2018

Planning will report a summary of performance. This will be for the month before last month, as this allows for all applications to be validated and gives a true representation.

All figures include all types of planning applications.

	Total	Major	Minor	Householder	Other	DIS /NMA	Trees
Validation	131	8	38	20	11	29	25
Determinations	158	2	27	38	11	24	56
Determined on time (%)		100% (90% within 13 weeks)	96% (80% within 8 weeks)	100% (90% within 8 weeks)	100% (90% within 8 weeks)	83% (80% within 8 weeks)	100% (100% within 8 weeks)
Approved	145	2	21	36	7	23	56
Refused	13	0	6	2	4	1	0

Open Cases by Team							
Team 1 (3.5 FTE)	210	16	71	16	13	94	0
Team 2 (3 FTE)	117	8	39	23	15	33	0
Team 3 (1 FTE)	20	2	2	0	2	14	0
No Team (5 FTE)	89	17	21	4	8	20	19

No Team includes – Planning Manager, Trees Officers (x2) and Agency Workers (x2)

The Planning department received a total of 166 applications during December which is a 3% increase on December 2017 (162) and 14% decrease from November 2018 (194).

Valid Appeals received – 5

East Of 47 Station Road, Haddenham – Delegated Decision

Land Southeast Of The Bungalow, Abbey Lane, Swaffham Bulbeck – Committee Decision

Meadow Croft Lodge, 10A Gravel End, Coveney – Delegated Decision

48 Mereside, Soham – Delegated Decision

Land North Of 14 New River Bank, Littleport – Committee Decision

Appeals decided – 0

Enforcement

New Complaints registered – 16 (2 Proactive)

Cases closed – 27 (8 Proactive)

Open cases/officer (2FTE) – 207 /2 = 103.5 per FTE (49 Proactive)

Notices served – 0

Other Information

Falcon Service Area, Cambridge Road, Stretham appeal was not accepted by The Planning Inspectorate and no decision will be made by them.

Ombudsman found fault with the Council regarding recent complaint about the wording of a condition in relation to boundary treatments for a new dwelling approved under reference 16/01459/FUL Land adjacent 83 The Causeway, Isleham.