

Title: 24/01242/FUL

Committee: Planning Committee

Date: 5 March 2025

Author: Planning Officer

Report No: Z140

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Site Address: 12 Swaffham Road Burwell Cambridge CB25 0AN

Proposal: Erection of a 3 bedroom detached bungalow and associated works

Applicant: Mr & Mrs M L Smith

Parish: Burwell

Ward: Burwell

Ward Councillor/s: David Brown
Lavinia Edwards

Date Received: 9 December 2024

Expiry Date: 12 March 2025

1.0 RECOMMENDATION

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

The proposal would result in the introduction of built form in a location which runs contrary to the prevailing linear character of residential development in this part of the settlement. The proposal would result in an incongruous form of development which would harm the settlement pattern of the area. Furthermore, the proposal by virtue of its siting and scale would represent overdevelopment. The proposal is contrary to Policies ENV1, ENV2 and HOU 2 of the East Cambridgeshire Local Plan 2015 (as amended 2023), Chapter 12 of the National Planning Policy Framework, Design Guide SPD, and National Design Guide

1.2 The application is being heard by committee because it was called in by Councillor Edwards for the following reason:

- 1.3 *'Some Members thought that the previous application would be an over development of the site the applicant has now reduced this application down to one dwelling and this time there is no objection from the immediate neighbour.'*

2.0 SUMMARY OF APPLICATION

- 2.1 The application seeks planning permission for the erection of a three-bedroom detached bungalow. The proposal would include the demolition of the existing single garage to create a new driveway. The proposed layout includes two parking spaces for the proposed dwelling and the retention of two parking spaces for the host dwelling. The landscaping proposed includes the planting of trees, shrubs and hedgerow across the site.
- 2.2 The only amendments to the application since its submission have been minor changes to the ecology and trees information.
- 2.3 An application for two dwellings in this location was refused by Planning Committee in November 2024 for the following reason:

The proposal would result in the introduction of built form in a location which runs contrary to the prevailing linear character of residential development in this part of the settlement. The proposal would result in an incongruous form of development which would harm the settlement pattern of the area. Furthermore, the proposal by virtue of its siting and scale would represent overdevelopment." The proposal is contrary to Policies ENV1, ENV2 and HOU 2 of the East Cambridgeshire Local Plan 2015 (as amended 2023), Chapter 12 of the National Planning Policy Framework, Design Guide SPD, and National Design Guide.

- 2.4 An appeal has been submitted in relation to the refusal of the above application and is currently under consideration by the Planning Inspectorate.
- 2.5 The full planning application, plans and documents submitted by the Applicant can be viewed online via East Cambridgeshire District Council's Public Access online service, via the following link [Simple Search](#).

3.0 PLANNING HISTORY

- 3.1 **24/00366/FUL**
Demolition of single garage, construction of two semi detached bungalows and associated works
Refused
13 November 2024

4.0 THE SITE AND ITS ENVIRONMENT

- 4.1 The application site comprises of an existing residential garden for No.12 Swaffham Road. The site is predominantly amenity grass land with trees, hedgerows and shrubs along the side and rear boundaries.

- 4.2 There is an existing driveway with access from Swaffham Road, and parking for the host dwelling at No.12 on the existing driveway. The existing front garden to No.12 is also used for the parking of vehicles for this existing dwelling.
- 4.3 There is an existing single garage to the rear of the driveway located next to the existing Leylandii Tree within the neighbouring boundary.
- 4.4 To the northeastern boundary, the bungalow dwelling of No.10 Swaffham Road abuts the boundary fence, and to the southwestern boundary the garage and large leylandii tree to No.14 Swaffham Road.
- 4.5 To the rear of the site are dwellings situated on Station Gate and Railway Close, and large 3 storey dwellings to Ellis Gardens abutting the northwestern corner of the development site.

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.

East Cambs Ecologist – 14 January 2025

- No protected species or habitats onsite and no impact to locally designated sites reported
- Conditions requested to follow precautionary working measures as detailed in the Preliminary Ecological Assessment (PEA), to secure biodiversity enhancements and for a scheme for hedgehog recovery
- In respect of Biodiversity Net Gain, the Senior Ecologist supports the baseline habitat and agrees that offsite provision of units is ecologically the best option for this site.

Environmental Health - 2 January 2025

- Requests that a condition requiring a contamination investigation be undertaken due to the proposed used being classed as vulnerable to the presence of contamination and a condition for the reporting of unexpected contamination
- Advises that construction times and deliveries are restricted to 07:30 - 18:00 each day Monday – Friday, 07:30 - 13:00 on Saturdays and none on Sundays or Bank Holidays
- Requests a condition that if it is necessary to undertake ground piling that a method statement is produced and agreed in writing with the Local Planning Authority (LPA) before works take place.

CCC Growth & Development - No Comments Received

Parish - 15 January 2025

- Burwell Parish Council has no objections to this application.

Ward Councillors - No Comments Received

Environmental Health - 16 January 2025

- Advises that the applicant will need to supply an appropriate contamination assessment with the application.

Cambridgeshire Archaeology - 12 December 2024

- Advise that the development lies in an area of high archaeological potential.
- Have requested a condition for a programme of archaeological works prior to the commencement of development.

Local Highways Authority - 23 December 2024

- No objections in principle to the proposed development
- The LHA have requested conditions that no gates, walls or fences are erected across the access and that the access be a width of 5m for a minimum distance of 8m.

ECDC Trees Team - 23 January 2025

- Raised that the site plans were inconsistent as to what was being retained/removed and therefore it was not possible to assess the impacts on trees with any certainty. The drawings were amended to show which trees are being removed and retained and the Trees Officer has no further objections.

Waste Strategy (ECDC) - 17 January 2025

- 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; 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). The collection point in this case would be the boundary line at Swaffham Road.

The Ely Group Of Internal Drainage Board - 17 December 2024

- The Board has no comment to make from a drainage point of view.

Cambs Wildlife Trust - No Comments Received

Cadent Gas Ltd - 16 December 2024

- No objection in principle to the proposal from a planning perspective.

- 5.2 A site notice was displayed near the site on 19 December 2024.
- 5.3 Neighbours – eleven neighbouring properties were notified and the responses received are summarised below. A full copy of the responses are available on the Council’s website.
- Significant loss of light and overshadowing
 - Overdevelopment
 - Lack of privacy for the proposed dwelling
 - Significant noise and disruption during the building process
 - Location of bungalows do not align with a likely buyer
 - Very similar applications have been refused
 - Impact to trees
 - Impact of development to biodiversity
 - Large conifer trees to the rear of the site should be removed
 - Permitted development rights should be removed to prevent extensions and conversion of the roof space.

6.0 THE PLANNING POLICY CONTEXT

6.1 East Cambridgeshire Local Plan 2015 (as amended 2023)

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 and water 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
- Flood and Water
- Natural Environment SPD
- Climate Change SPD

6.3 National Planning Policy Framework (December 2024)

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

- 11 Making effective use of land
- 12 Achieving well-designed places
- 14 Meeting the challenge of climate change, flooding and coastal change
- 15 Conserving and enhancing the natural environment

6.4 Planning Practice Guidance

7.0 PLANNING MATERIAL CONSIDERATIONS AND COMMENTS

7.1 Principle of Development

7.2 The application site lies entirely within the development envelope for Burwell, where Policy GROWTH 2 of the East Cambridgeshire District Council Local Plan 2015 (as amended 2023) applies. This seeks to permit development within the policy defined development envelope, provided there is no significant adverse effect on the character and appearance of the area, and that all other material planning considerations and relevant Local Plan Policies are satisfied.

7.3 An application for two dwellings in this location was refused by Planning Committee in November 2024 for the following reason:

The proposal would result in the introduction of built form in a location which runs contrary to the prevailing linear character of residential development in this part of the settlement. The proposal would result in an incongruous form of development which would harm the settlement pattern of the area. Furthermore, the proposal by virtue of its siting and scale would represent overdevelopment. The proposal is contrary to Policies ENV1, ENV2 and HOU 2 of the East Cambridgeshire Local Plan 2015 (as amended 2023), Chapter 12 of the National Planning Policy Framework, Design Guide SPD, and National Design Guide.

7.4 While the current application has reduced the quantum of development from two dwellings to one, it does not overcome the above reason for refusal. The proposal would still result in the introduction of built form in a location which runs contrary to the prevailing linear character of residential development and would still result in an incongruous form of development which would harm the settlement pattern of the area. While the reduction in the number of dwellings reduces the scale of built form proposed, the introduction of a dwelling in this location goes against the character of development and therefore is still considered to represent overdevelopment.

7.5 The previous refusal forms a material consideration in the determination of the application and for the application to be approved, it would need to have overcome the previous reason for refusal. As set out above, it is considered that the application has not done that and therefore is again recommended for refusal.

7.6 Visual Amenity

7.7 Policy ENV1 and ENV2 of the ECLP requires that all development proposals are designed to a high quality, enhancing and complementing local distinctiveness and public amenity by relating well to existing features and introducing appropriate new designs. Additionally, Policy ENV2 of the East Cambridgeshire Local Plan 2015 (as amended 2023) makes it clear that all new development proposals will be expected

to respect the density and character of the surrounding area, whilst ensuring that the location, layout, scale, form, massing, materials and colour of buildings relate sympathetically to the surrounding area and each other, as well as creating quality new schemes in their own right.

- 7.8 The proposal comprises back-land development by virtue of its location to the rear of No.12 Swaffham Road. This in-depth arrangement is clearly at odds with the single-depth, frontage character of the area in this locality. This has been established by the very recent refusal of two dwellings at this site (24/00366/FUL). In addition, application 23/00973/FUL at 58 Swaffham Road has recently been refused, with a subsequent dismissed appeal. The application at 58 Swaffham Road is located approximately 14 dwellings to the south of the site. It proposed two dwellings to the rear of the host dwelling and was refused on the basis that it was contrary to the prevailing development pattern of Swaffham Road.
- 7.9 The proposed development does not take into account the existing character of the locality and intensifies the density of development from the levels in the surrounding locality. However, the development does accommodate private amenity space and adequate levels of parking. The provisions of residential amenity appear to be acceptable and are discussed in the following section.
- 7.10 There will be clear views of the backland development from the driveway of No. 8 and 10 Swaffham Road, where the massing of the development will be clear. It is considered from this viewpoint that there would be insufficient opportunities to effectively screen the development and would identify a clear failure to accord with the character and appearance of the locality. In addition, landscaping should not be relied upon to screen inappropriate development.
- 7.11 The proposed dwelling is of a simple design with regards to the form and appearance. The proposed materials have included within the application form and utilise red fairfaced brickwork and render panels and a natural slate roof. The overall material palette for Burwell is mixed, however Swaffham Road has a more cohesive appearance. The use of light or red bricks with render and cladding is the presiding appearance. The proposed dwelling would seek to use materials in keeping with that of Swaffham Road, and therefore, Officers would consider the choice of materials to be in accordance with Policies ENV 1 and ENV 2 of the East Cambridgeshire District Council Local Plan 2015 (as amended 2023).
- 7.12 It is considered that the in-depth form of development would cause harm to the character and appearance of the area, in respect of the failure to accord with the pattern of development in this location, contrary to Local Plan policies ENV 1 and ENV 2 of the East Cambridgeshire District Council Local Plan 2015 (as amended 2023).
- 7.13 **Residential Amenity**
- 7.14 Policy ENV 2 of the East Cambridgeshire Local Plan 2015 requires proposals to ensure that there are no significantly detrimental effects on the residential amenity of nearby occupiers. Paragraph 135(f) of the NPPF requires proposals to ensure that they create safe, inclusive and accessible development which promotes health and wellbeing and provides a high standard of amenity for existing and future users.

- 7.15 The dwelling is single storey and would be arranged to afford future occupiers with sufficient private amenity space, on-site manoeuvrability and without exposure to any adverse overshadowing or overbearing impacts. There may be some element of overlooking perceivable from the two-three storey dwellings set back from the rear of the site, however, these are considered to be above and beyond the suitable back to back distances as required in the Design Guide SPD, and therefore, is considered to have limited impact on the residential amenity of the proposed dwelling.
- 7.16 There has been concern raised that the proposal would result in significant loss of light and overshadowing to 27 Ellis Gardens. The proposed dwelling is set away from the boundary with 27 Ellis Gardens and is single storey which would reduce any impact. If there were to be any overshadowing impact it would be to the rear of the garden and only while the sun is in the east in the morning.
- 7.17 Concerns have been raised by neighbours about the noise and disturbance during the construction phase. The Council's Environmental Health Officer has requested a condition which would secure the hours in which construction could take place. It is considered that this would assist in protecting the amenity of neighbouring dwellings.
- 7.18 There has also been comments received that permitted development rights should be removed in respect of extensions and converting the roof space to protect residential amenity. It is considered that it would not be reasonable to condition the removal of permitted development rights in relation to extensions, however, it would be reasonable to restrict permitted development rights in relation to additions to the roof.
- 7.19 The proposal is therefore considered to accord with the aims of Policy ENV 2 in this regard.
- 7.20 Highway Safety and Parking**
- 7.21 Policy COM7 of the Local Plan seeks to ensure that new development is designed to reduce the need to travel, especially using private motor vehicles. This means new development should be focused within settlement where there is a choice of means of transport. It should also be capable of accommodating the level/type of traffic generated without detriment to the local highway network and the amenity, character and appearance of the locality.
- 7.22 Policy COM 8 of the East Cambridgeshire Local Plan 2015 (as amended 2023) requires development proposals to provide adequate levels of car and cycle parking and make provision for parking broadly in accordance with the Councils parking standards.
- 7.23 The Local Highway Authority (LHA) have commented that it has no objection to the proposal in principle and has requested conditions for conditions that no gates, walls or fences are erected across the access and that the access be a width of 5m for a minimum distance of 8m.

- 7.24 The proposal provides two parking spaces for the proposed dwelling and maintains the provision of two parking spaces for the host dwelling to the front. The provision of parking for vehicles is therefore in accordance with Policy COM 8 of the East Cambridgeshire District Council Local Plan 2015 (as amended 2023).
- 7.25 The planning statement sets out that cycle storage can be provided for in the rear garden, however this does not appear to be shown on the plans. However, Officers consider that it would be reasonable to apply a condition to any approval for the submission of details relating to cycle storage.
- 7.26 **Trees, Biodiversity and Ecology**
- 7.27 Policy ENV1 of the ECLP requires proposals to protect, conserve and enhance traditional landscape features and the unspoilt nature and tranquillity of the area. Policy ENV 7 of the ECLP seeks to protect the biodiversity and geological value of land and buildings and minimise harm to or loss of environmental features, such as trees, hedgerows, woodland, wetland and ponds. The Natural Environment SPD Policy SPD NE6 also requires that all new development proposals should contribute to and enhance the natural and local environment by minimising impacts on and providing net gains for biodiversity.
- 7.28 It is now mandatory to achieve 10% Biodiversity Net Gain (BNG) unless exempt. This application is not exempt.
- 7.29 The Council's Senior Ecologist has commented in respect of ecology that the submitted concludes that there are no protected species or habitats onsite and no impact to locally designated sites. She has requested that conditions are imposed to follow the precautionary working measures detailed in the Preliminary Ecological Assessment (PEA) and to secure the biodiversity enhancements set out in paragraph 4.18 of the same report and the soft landscaping scheme. She has also requested a scheme for Hedgehog recovery.
- 7.30 In respect of Biodiversity Net Gain, the Senior Ecologist supports the baseline habitat and agrees that offsite provision of units is ecologically the best option for this site. The purchase of Other Neutral Grassland units as compensation from a biodiversity gain site within East Cambridgeshire or the East Anglian Chalk National Characteristic Area of the value of 0.805 units would be acceptable and details of this would need to be submitted with the Biodiversity Net Gain plan post decision.
- 7.31 There has been concern raised that the proposed development would have an impact to bat habitats. The PEA has concluded that there is a low number of potential roosting features on site in respect of buildings and that the trees show no suitability for roosting bats. However, the trees on site are remaining and the ecological enhancements include a bat box to be erected on the dwelling.
- 7.32 The Trees Officer raised concerns that the plans were inconsistent as to which trees were being retained and which are being removed. The plans have been amended to clarify this and the Trees Officer raised no further objection to the proposal.
- 7.33 There has been concern raised that if the tree labelled T3 is not removed, it would cause a significant loss of light to the plot and that the alteration of the driveway

would impact the root protection zone of T6. The Trees Officer has not raised an objection or concern with either of these elements.

7.34 Comments have also been received from the neighbour at 57 Station Gate that they object to the conifer trees along the rear boundary remaining and ask that they should be removed and in addition, that any additional planting should be conditioned to a maximum height of 3-4m. Officers cannot force applicants to remove trees as part of a planning application. The replacement tree planting proposed, as detailed on the soft landscaping plan states that the sizes are between 3-3.5m (9.8-11.4ft). It is considered that conditioning the height of the soft landscaping would not be reasonable or necessary.

7.35 The proposal is therefore considered to comply with Policies ENV 1, ENV 2 and ENV 7 of the East Cambridgeshire Local Plan, 2015 (as amended) and the Natural Environment SPD.

7.36 **Flood Risk and Drainage**

7.37 Policy ENV 8 requires all developments and re-developments to contribute to an overall flood risk reduction. The site is located in Flood Zone 1 where the principle of development is considered acceptable in terms of Flood Risk. A condition for the submission of details relating to foul and surface water drainage could be applied to this application, however, officers do not consider it necessary as this element would be dealt with under a Building Regulations application.

7.38 **Climate Change and Sustainability**

7.39 Local Plan Policy ENV4 states: 'All proposals for new development should aim for reduced or zero carbon development in accordance with the zero-carbon hierarchy: first maximising energy efficiency and then incorporating renewable or low carbon energy sources on-site as far as practicable' and 'Applicants will be required to demonstrate how they have considered maximising all aspects of sustainable design and construction.'

7.40 The adopted Climate Change SPD and Chapter 14 of the NPPF encourages all development to include sustainability measures within their proposal. No specific measures have been put forward as part of the application. While this does weigh against the application, it would not form a reason for refusal on its own merit due to the minor scale and nature of the proposed development.

7.41 **Other Material Matters**

7.42 Cambridgeshire Archaeology have commented on the application and noted that the application site is in an area of high archaeological potential. Whilst no objection has been made to the proposal, a condition has been requested that the site should be subject to a programme of archaeological investigation. This would be secured through the inclusion of a pre-commencement condition were the application to be permitted in accordance with Local Plan policy ENV 14.

7.43 The Council's Scientific Officer has recommended that a site investigation be carried out due to the sensitive end use of the site (residential). However, officers

consider that given that the site is currently garden land, that the risk of contamination would be low. Were the application being approved a condition could be imposed that if any unexpected contamination is found that it is reported to the Local Planning Authority.

7.44 Comments have been received that the location of the bungalow does not align with a likely buyer. This is not a material planning consideration.

7.45 **Human Rights Act**

The development has been assessed against the provisions of the Human Rights Act 1998, and in particular Article 8 (right to respect for private and family life) and Article 1 of the First Protocol (protection of property). Under the Act, it is unlawful for a public authority, such as East Cambridgeshire District Council, to act in a manner that is incompatible with the European Convention on Human Rights. In arriving at this recommendation, due regard has been given to the applicant's reasonable development rights and expectations which have been balanced and weighed against the wider community interests, as expressed through third party interests / the Development Plan and Central Government Guidance. The Council is also permitted to control the use of property in accordance with the general interest and the recommendation set out below is considered to be a proportionate response to the submitted application based on the considerations set out in this report.

7.46 **Equalities and Diversities**

In considering this planning application due regard has been had to the public sector equality duty (PSED) under Section 149 of the Equality Act 2010, which means that the Council must have due regard to the need (in discharging its functions) to put an end to unlawful behaviour that is banned by the Equality Act, including discrimination, harassment and victimisation and to advance equality of opportunity and foster good relations between people who have a protected characteristic and those who do not. Account has been taken of the PSED and it is considered that the recommendation set out below would not undermine the objectives of the duty.

7.47 Planning Balance

7.48 The application site is located within the development envelope for Burwell.

7.49 The application is considered acceptable in respect of residential amenity, highway safety and parking, ecology and trees and flood risk and drainage.

7.50 However, the proposal would result in the introduction of built form in a location which runs contrary to the prevailing linear character of residential development in this part of the settlement and would result in an incongruous form of development which would harm the settlement pattern of the area.

7.51 Furthermore, the proposal by virtue of its siting and scale would represent overdevelopment.

7.52 In addition, the application has not overcome the recent refusal of 24/00366/FUL, which forms a material consideration in the determination of this application and holds significant weight.

7.53 The proposal is contrary to Policies ENV 1, ENV 2, HOU 2 of the East Cambridgeshire District Council Local Plan 2015 (as amended 2023), Design Guide SPD, National Design Guide and the National Planning Policy Framework.

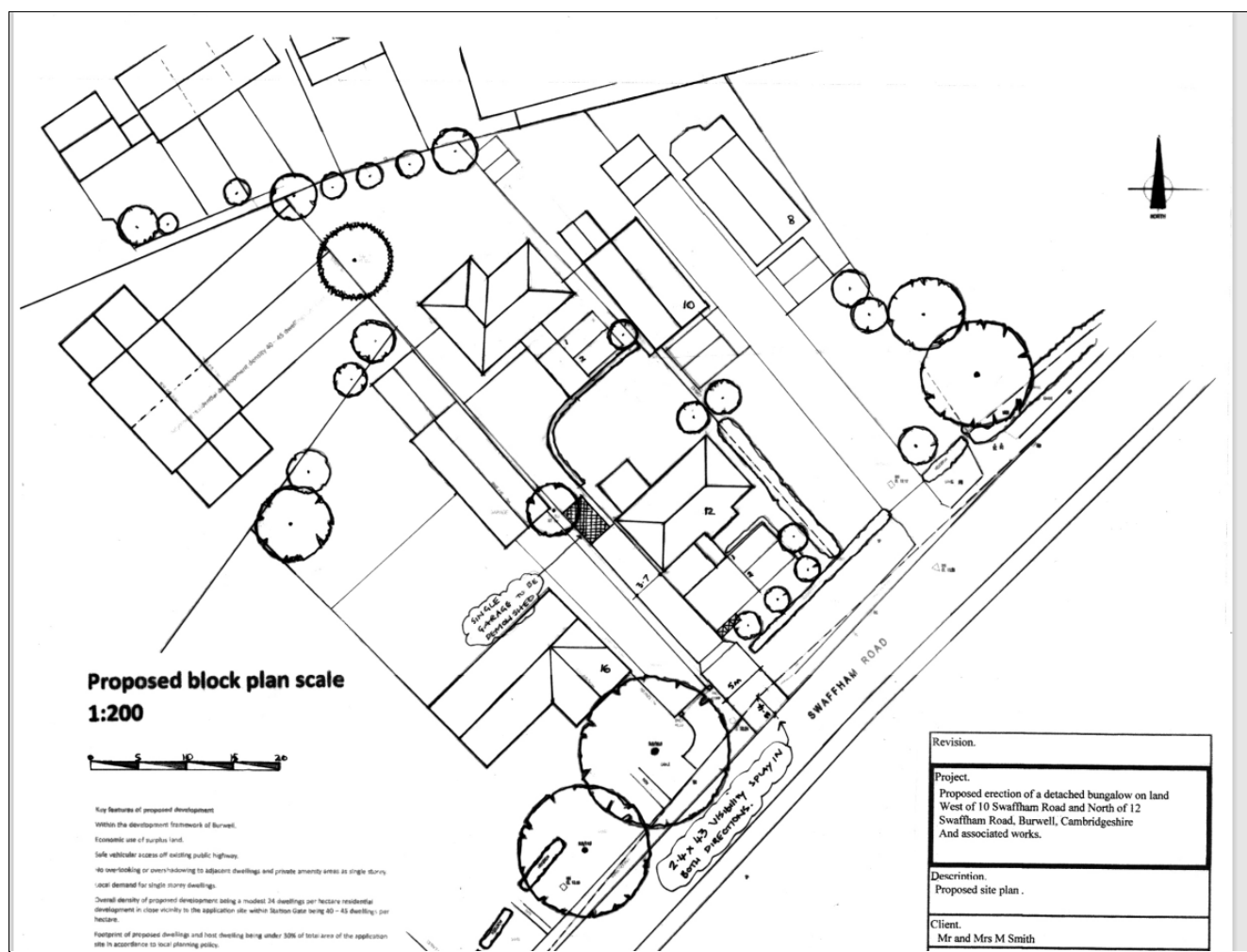
7.54 Members are therefore recommended to refuse the application.

8 APPENDICES

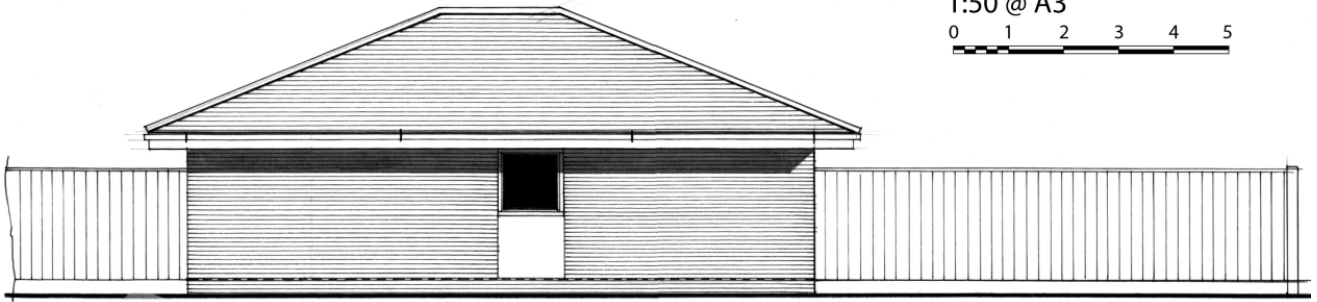
24/00366/FUL Decision Notice

PLANS

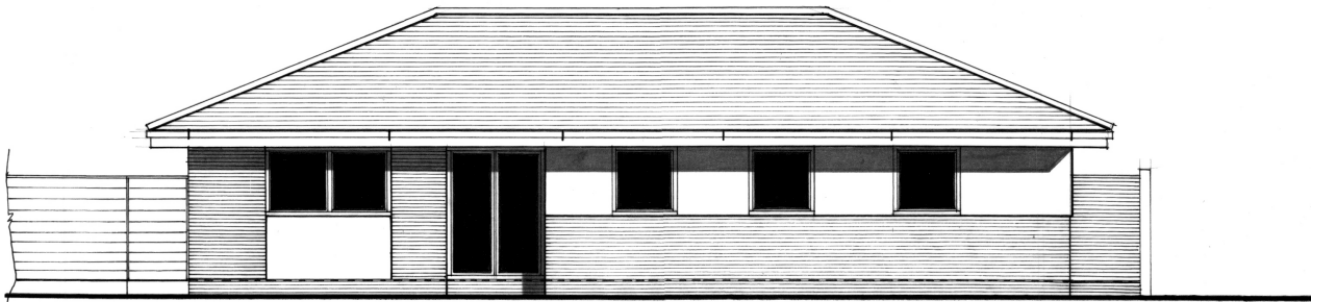
The following plans are a selection of those submitted as part of the application and are provided to illustrate the proposed development. They may not be to scale. The full suite of plans can be found on the Council's website.



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0 1 2 3 4 5



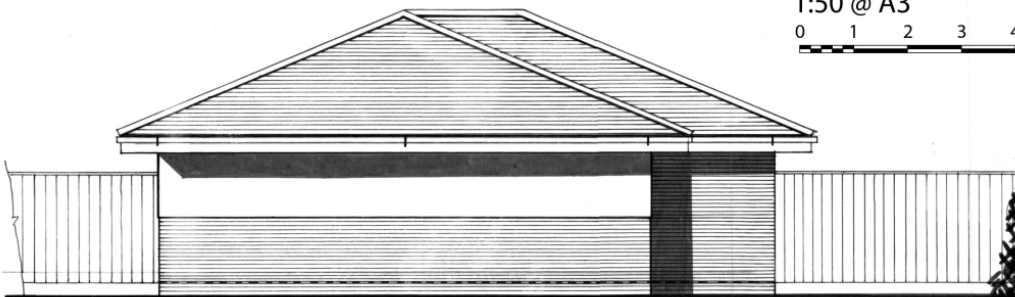
Proposed Western Elevation.



Proposed Southern Elevation.

**Proposed bungalow drawing
number P – 5051 – 03**

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Proposed Eastern Elevation.



Proposed Northern Elevation.

**Proposed bungalow drawing
number P – 5051 – 04**