

24/00892/FUL



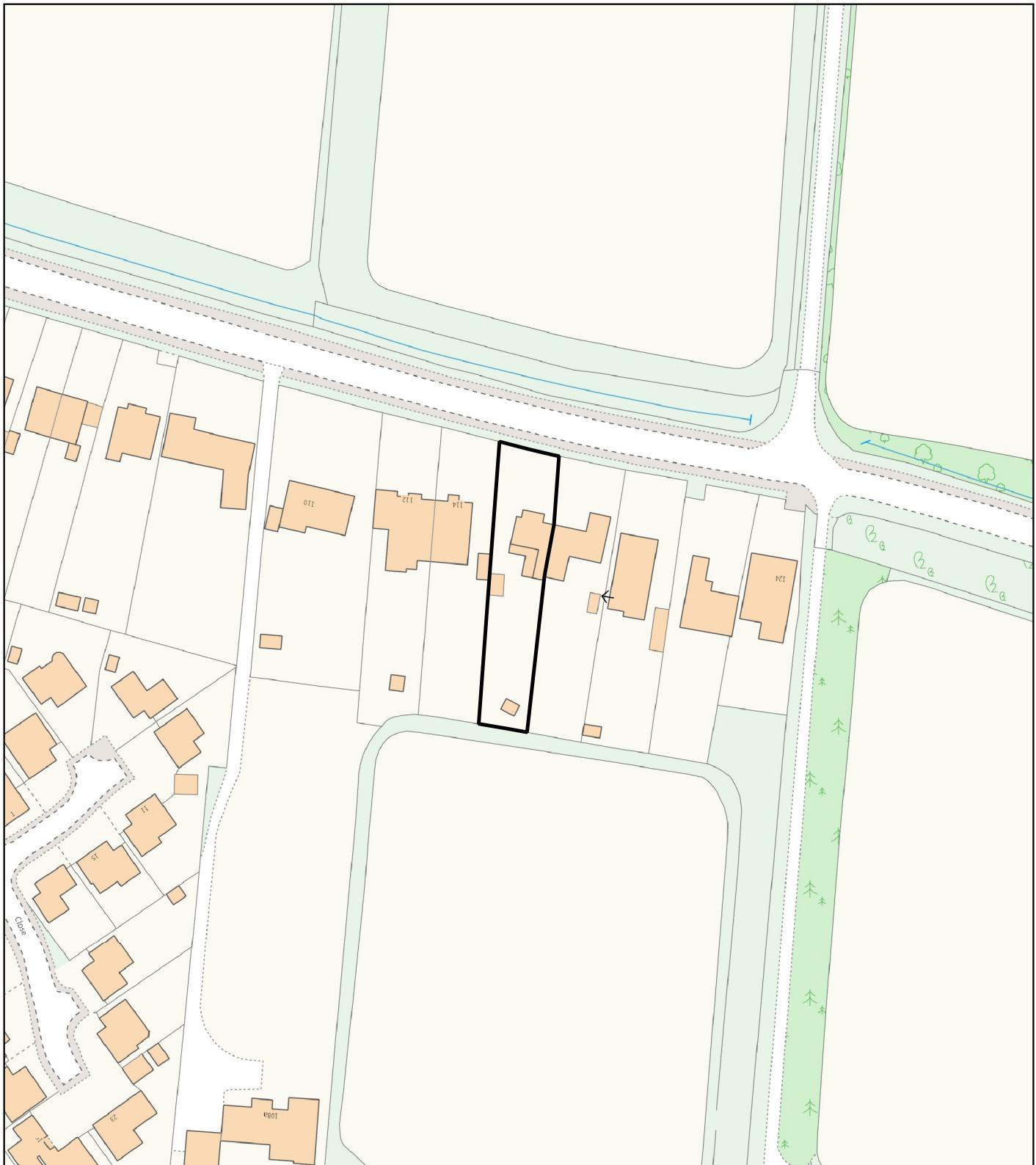
Clovelly
116 Ashley Road
Newmarket

East Cambridgeshire
District Council

Date: 21/11/2024
Scale: 1:3,000



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24/00892/FUL



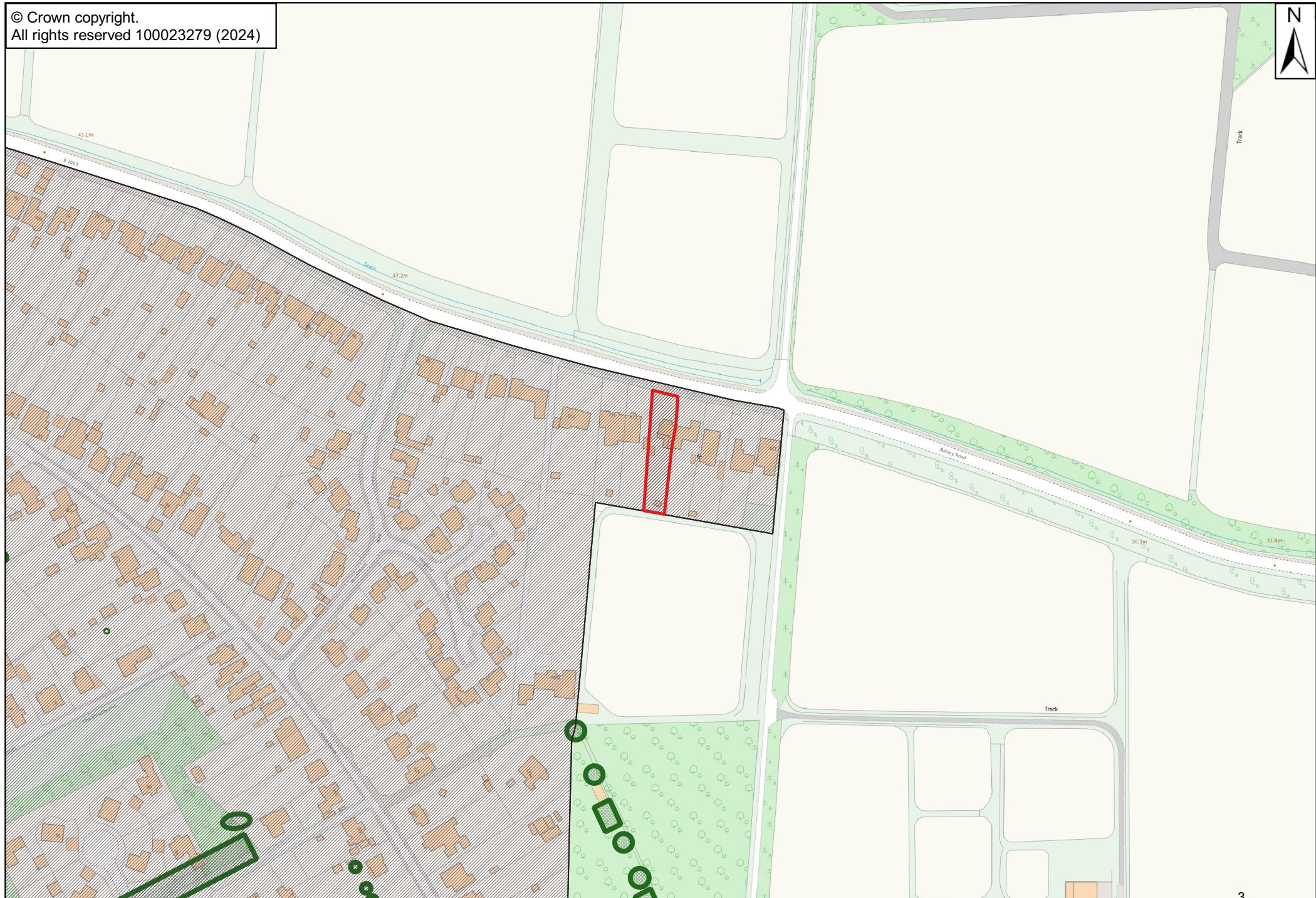
Clovelly
116 Ashley Road
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TITLE: 24/00892/FUL

Committee: Planning Committee

Date: 4 December 2024

Author: Olivia Roberts, Planning Officer

Report No: Z116

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01353 616240
Room No 011 The Grange Ely

Site Address: Clovelly 116 Ashley Road Newmarket Suffolk CB8 8DB

Proposal: Demolition of 2 bed dwelling and replace with 3 bed dwelling

Applicant: Holly Roeder

Parish: Cheveley

Ward: Woodditton

Ward Councillor/s: James Lay
Alan Sharp

Date Received: 3 September 2024

Expiry Date: 9 December 2024

1.0 RECOMMENDATION

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

- 1 Approved Plans
- 2 Time Limit
- 3 Materials
- 4 Boundary Treatment
- 5 Demolition and Construction Hours
- 6 Ground Piling
- 7 Unexpected Contamination
- 8 Soft Landscaping
- 9 Scheme of Biodiversity Improvements
- 10 Delivery of Parking and Turning Area
- 11 Removal of Permitted Development Rights

2.0 SUMMARY OF APPLICATION

2.1 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/>.

2.2 The application seeks permission for the demolition of an existing semi-detached bungalow and the erection of a replacement semi-detached bungalow with a room in the roof space. The form of the dwelling would extend from that of the adjoining property, 118 Ashley Road, with an eaves and ridge height to match existing. The design of the dwelling includes two hipped roof projections to the front elevation and a large protection with a double gable roof form to the rear.

2.3 An application for a replacement dwelling at the site has previously been considered under application reference 23/00877/FUL and was presented at Planning Committee on 3 April 2024. The application was recommended for refusal by Officers due to concerns regarding the impact of the proposal on the character and appearance of the semi-detached pair and wider street scene as a result of the dwellings height, roof alignment and overall design. Members agreed with the Officers' recommendation and the application was refused.

2.4 In line with the Council's Constitution, the case officer has approached the Chairman and Vice-Chair to establish if the application shall be brought to Planning Committee for determination. The Chairman has requested that the application is brought to Committee to allow members to consider the impacts of the proposal on the character and appearance of the street scene.

3.0 PLANNING HISTORY

3.1 23/00877/FUL

Demolition of 1no. semi-detached bungalow and erection of replacement 1 1/2 storey dwelling

Refused

4 April 2024

4.0 THE SITE AND ITS ENVIRONMENT

4.1 The application site comprises an existing single storey, semi-detached dwelling at 116 Ashley Road. The site is located within the Newmarket Fringe development envelope within an existing residential area. Vehicular access is taken to the front of the site where there is also a lawned garden area. The dwelling benefits from a larger garden area and detached outbuilding to the rear.

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 website.

Parish - No Comments Received.

Ward Councillors - No Comments Received.

Local Highways Authority - 12 September 2024

Recommendation

On behalf of the Local Highway Authority, I raise no objection to the proposals.

Comments

None of the proposals included as part of this application look to materially impact the public highway.

Waste Strategy (ECDC) - 24 September 2024

- 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).
- 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 (delivery and administration) 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 a set of receptacles; the contribution is currently £60.50 per set. We would recommend the developer made the contribution on behalf of the residents. Please note that the bins remain the property of East Cambridgeshire District Council.
- 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.

The Ely Group of Internal Drainage Board - 10 September 2024

Not within our jurisdiction.

ECDC Trees Team – 22 November 2024

No tree related objections to this application but the provision of a soft landscaping scheme should be provided by condition to aid the integration of the new development into the surrounding area.

- 5.2 A site notice was displayed near the site on 19 September 2024.
- 5.3 Neighbours – 7 neighbouring properties were notified by letter. No responses have been received.

6.0 THE PLANNING POLICY CONTEXT

- 6.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires a planning application to be determined in accordance with the Development Plan unless material planning considerations indicate otherwise. The Development Plan for the purposes of this application comprises the adopted East Cambridgeshire Local Plan 2015 (as amended 2023) and the Cambridgeshire and Peterborough Minerals and Waste Local Plan (2021).
- 6.2 East Cambridgeshire Local Plan 2015 (as amended 2023)
 - 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
 - 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
 - COM 7 Transport impact
 - COM 8 Parking provision

- 6.3 Cambridgeshire & Peterborough Waste and Minerals Local Plan 2021 ('CPWM')

- 6.4 Supplementary Planning Documents

Developer Contributions and Planning Obligations

Design Guide

Flood and Water Natural Environment

Climate Change

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

- 6.5 National Planning Policy Framework (December 2023)

- 2 Achieving sustainable development
- 4 Decision-making
- 5 Delivering a sufficient supply of homes
- 8 Promoting healthy and safe communities
- 9 Promoting sustainable transport
- 11 Making effective use of land
- 12 Achieving well-designed and beautiful places
- 14 Meeting the challenge of climate change, flooding and coastal change

6.6 Planning Practice Guidance

7.0 PLANNING COMMENTS

7.1 The main considerations which are considered to be relevant to the proposal are the principle of development, the impact on visual amenity, residential amenity, highway safety, trees, biodiversity and ecology, flood risk and drainage, contaminated land and climate change.

7.2 Principle of Development

7.3 Policy GROWTH 2 of the East Cambridgeshire Local Plan 2015 (as amended 2023) (the Local Plan) provides the locational strategy for development within the district and provides a hierarchy for the location of housing development. The hierarchy seeks to focus the majority of development on the market towns of Ely, Soham and Littleport. It however allows for more limited development within villages within a defined development envelope. It continues that within the defined development envelopes, housing, employment and other development to meet local needs will normally be permitted, provided there is no significant adverse effect on the character and appearance of the area and that all other material planning considerations are satisfied.

7.4 Policy GROWTH 5 of the Local Plan also states that the District Council will work proactively with applicants to find solutions which mean that proposals can be approved wherever possible, and to secure development that improves the economic, social and environmental conditions in the area.

7.5 The application site is located within the development envelope for the Newmarket Fringe. The principle of development may therefore be acceptable subject to all other material planning considerations being satisfied.

7.6 Visual Amenity

7.7 Policy ENV 1 of the Local Plan states that development proposals should ensure that they provide a complementary relationship with the existing development and conserve, preserve and where possible enhance the distinctive and traditional landscapes and key views in and out of settlements.

7.8 Policy ENV 2 states that development proposals ensure that the location, layout, massing, materials, and colour of buildings relate sympathetically to the surrounding area.

7.9 Paragraphs 135 and 139 of the NPPF seek to secure visually attractive development which improves the overall quality of an area and is sympathetic to local character and history

7.10 The application seeks permission for a replacement dwelling. The form and height of the proposal has been amended since the refusal of the scheme under application reference 23/00877/FUL so that the dwelling extends from the form and roof line of

the adjoining property with an eaves and ridge height to match existing. Whilst the dwelling would be of a large footprint, it is noted that the existing dwelling is of a modest scale when compared to neighbouring semi-detached dwellings, and it is not considered that the scale of the dwelling would be out of keeping with the scale of development within the street scene. The dwelling would be set in from the western boundary, maintaining access down its side elevation to the rear garden, and would provide a large driveway to the front and garden area to the rear. For these reasons, the scale of the proposal is acceptable and it is not considered that the proposal would amount to an overdevelopment of the site.

7.11 The dwelling would be designed including two hipped projections to the front elevation and a large double gabled projection to the rear. It is noted that this stretch of Ashley Road comprises a number of semi-detached properties, with many benefiting from projections to the front and rear of varying scales and designs. The projections to the front elevation are of a modest scale and are not considered to be out of keeping with the design of the properties within the street scene. Whilst the rear projection would be of a substantial footprint, its design and roof forms are considered to reduce the overall bulk and massing. It is not considered that this element of the proposal would appear overly dominant on the dwelling or detract from its overall design.

7.12 The submitted plans demonstrate that the dwelling would be constructed from facing brick and render with a tiled roof. The proposed materials are considered to be acceptable and would be in keeping with the palette of materials within the street scene. Notwithstanding, it is considered necessary for full details of the proposed materials to be secured by condition to ensure that the proposal would have an acceptable impact on the character and appearance of the area. The submitted plans also suggest that revised boundary treatments are proposed, including along the boundary to the front of the site adjacent to the highway. Details of the proposed boundary treatments are considered necessary in the interest of visual amenity and can be secured by condition.

7.13 Subject to the above conditions, it is considered that the proposal would have an acceptable impact on the character and appearance of the street scene and wider area in accordance with policy ENV 2 of the Local Plan.

7.14 **Residential Amenity**

7.15 Policy ENV 2 of the East Cambridgeshire Local Plan requires that all new development proposals will be expected to ensure there is no significantly detrimental effect on the residential amenity of nearby occupiers, and that occupiers and users of new buildings, especially dwellings, enjoy high standards of amenity.

Neighbouring Properties

7.16 The dwelling would adjoin to 118 Ashley Road, with the majority of the bulk and massing running immediately alongside the built form of the existing property. Projections are proposed to the front of the dwelling. The closest extension to the shared boundary would be of a limited projection, and its set-in position is considered sufficient to prevent any harmful overbearing or overshadowing impact. No openings are proposed to the side of the projection which would prevent overlooking towards the property.

7.17 A large projection is proposed to the rear of the dwelling which would project approximately 2.6m (8.5ft) beyond the extension to the rear of the adjoining property. It is not considered that this additional projection would result in harmful overbearing or overshadowing to the property and the rear opening which is within close proximity of the boundary. Notwithstanding, it is considered that further projections to the rear of the dwelling have the potential to cause overbearing and overshadowing towards the adjoining property, and it is therefore considered reasonable to remove Permitted Development Rights for extensions. As extensions to the side of the dwelling would be restricted by the close proximity of the dwelling to the boundary, a blanket removal of Permitted Development Rights for extensions under Class A is considered reasonable in this case.

7.18 The dwelling would be located to the side of 114 Ashley Road, set in from the boundary shared with the property. Whilst the property benefits from openings to the side elevation, it is considered that sufficient distance would be retained to prevent the proposal from resulting in harm to the amenity of the occupiers by way of overbearing and overshadowing. Openings are proposed to the side elevation of the dwelling serving a bathroom, ensuite and bedroom. The nature of the bathroom and ensuite openings, together with the distance retained, is considered sufficient to prevent harmful overlooking between the two properties. The two secondary windows serving bedroom 1 would face onto the side wall of the garage to the rear of the property and are therefore not considered to allow for harmful overlooking towards the property and its private rear amenity space.

Future Occupiers

7.19 The proposal is considered to provide a high level of amenity for future occupiers in terms of the level of indoor and outdoor amenity space. It is also considered that each of the habitable rooms would benefit from a sufficient level of natural light.

Demolition and Construction

7.20 There is the potential for noise and vibration to be generated during the demolition and construction phases of the development. In order to limit such impacts to an acceptable level, conditions will be attached to the decision notice in relation to construction hours will be secured by condition.

7.21 Subject to the inclusion of the above conditions, the proposal would have an acceptable impact on the residential amenity of the existing and future occupiers, in accordance with policy ENV 2 of the Local Plan.

7.22 Highway Safety and Parking Provision

7.23 Policy COM 7 of the Local Plan states that development proposals shall provide a safe and convenient access to the highway network. Policy COM 8 requires that development proposals shall provide sufficient parking to serve the development.

7.24 The proposed dwelling would utilise the existing vehicular access into the site. The Local Highway Authority have been consulted as part of the application and have

raised no objections to the proposal on the basis that the development would not adversely impact on the highway.

7.25 The existing driveway which runs down the side of the dwelling would be lost as part of the proposals and the block plan and proposed parking plan demonstrate that a driveway would be created to the front of the dwelling. The driveway would be of a sufficient size to accommodate at least two parking spaces with space retained for on-site turning. It is considered that there would also be sufficient space for cycle and bin storage on site. To ensure that sufficient space remains available for the parking and turning of vehicles within the site, it is considered reasonable to secure the proposed details by condition.

7.26 The submitted plans demonstrate that the boundary wall to the front of the site would be replaced with fencing/railings, however no further information has been provided. It is considered necessary for details of this boundary treatment to be secured by condition to ensure that adequate visibility would be retained for vehicles exiting the site onto the highway.

7.27 Subject to the inclusion of the above conditions, the proposal is considered acceptable from a highway safety perspective and would provide adequate parking provision in accordance with policies COM 7 and COM 8 of the Local Plan.

7.28 **Trees, Biodiversity and Ecology**

7.29 Policy ENV 7 of the Local Plan states that all development will be required to protect the biodiversity and geological value of land and buildings and minimise harm to or loss of environmental features, such as trees, hedgerows, woodland, wetland, and ponds. Policy ENV 1 requires proposals to protect, conserve and enhance traditional landscape features and the unspoilt nature and tranquillity of the area.

7.30 Natural Environment SPD stating 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.

7.31 The Trees Officer has been consulted on the application and has raised no concerns to the proposal. A condition requiring the submission of a soft landscaping scheme has been recommended to assimilate the dwelling into the surroundings. Whilst the application is for a replacement dwelling and a large area of the rear garden is shown to be retained, it is unclear from the submitted plans whether any changes are proposed to the existing landscaping. It is therefore considered reasonable for this to be secured by condition, particularly as there is a requirement for the application to provide a net gain in biodiversity, as discussed below.

7.32 The application seeks permission for a replacement dwelling and the proposal is not considered to result in a significant impact on ecology in the area.

7.33 The application has been accepted as being exempt from Mandatory Biodiversity Net Gain (BNG) as the proposal is for the construction of a self-build dwelling. However, national and local policies require that all development bring about ecological enhancements. It is considered that a scheme of biodiversity improvements, for example through the provision of bird nest and bat roosting boxes, together with

confirmation of soft landscaping, would be sufficient to secure an ecological enhancement given the small scale of the proposal and this will be secured by condition.

7.34 Subject to the inclusion of the above conditions, the proposal is considered to accord with policies ENV 1, ENV 2 and ENV 7 of the Local Plan and Policy SPD.NE6 of the Natural Environment SPD.

7.35 Flood Risk and Drainage

7.36 Policy ENV 8 of the Local Plan states that new development should normally be located within Flood Zone 1 and should contribute to an overall flood risk reduction.

7.37 The site is located within Flood Zone 1, where the principle of development is acceptable in flood risk terms.

7.38 The application form states that surface water would be disposed of through sustainable drainage systems and foul water via the main sewer. The means of drainage proposed are considered acceptable, and when considering the scale of the proposal which is for a single dwelling, it is considered that further details could be adequately secured through building regulations.

7.39 It is considered that an acceptable drainage scheme could be achieved at the site in accordance with policy ENV 8 of the Local Plan.

7.40 Contamination

7.41 All applications for residential development are considered to be particularly sensitive to the presence of contamination. Notwithstanding, the application seeks permission to replace an existing dwelling within the residential curtilage. The application site is therefore considered to pose a low risk of contamination. However, as a safeguarding measure, a condition regarding the reporting of unexpected contamination will be attached to the decision notice.

7.42 With the inclusion of the above condition, the proposal is considered to comply with policy ENV 9 of the Local Plan as well as the aims of the NPPF.

7.43 Planning Balance

7.44 In accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004, applications must be determined in accordance with the development plan unless material considerations indicate otherwise.

7.45 The proposal seeks planning permission for the demolition of an existing dwelling and the erection of a replacement dwelling. The proposal is considered to have an acceptable impact on the character and appearance of the semi-detached pair, as well as the wider street scene. The proposal would not cause harm to residential amenity or highway safety and is considered to comply with all other material planning considerations.

7.46 Therefore, for the reasons outlined above, the application is recommended for approval, subject to the conditions listed below.

8.0 COSTS

8.1 An appeal can be lodged against a refusal of planning permission or a condition imposed upon a planning permission. If a local planning authority is found to have acted unreasonably and this has incurred costs for the applicant (referred to as appellant through the appeal process) then a cost award can be made against the Council.

8.2 Unreasonable behaviour can be either procedural i.e. relating to the way a matter has been dealt with or substantive i.e. relating to the issues at appeal and whether a local planning authority has been able to provide evidence to justify a refusal reason or a condition.

8.3 Members do not have to follow an officer recommendation, indeed they can legitimately decide to give a different weight to a material consideration than officers. However, it is often these cases where an appellant submits a claim for costs. The Committee therefore needs to consider and document its reasons for going against an officer recommendation very carefully.

9.0 APPENDICES

9.1 Appendix 1 – Recommended Conditions

Background Documents

24/00892/FUL

23/00877/FUL

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%20front%20cover%20and%20inside%20front%20cover.pdf>

Appendix 1 – Recommended Conditions

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

Plan Reference	Version No	Date Received
AHP 116ARN 02		23rd August 2024
AHP 116ARN 04		23rd August 2024
AHP 116ARN 05		23rd August 2024
AHP 116ARN 08		23rd August 2024

- 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 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.
- 3 Reason: To safeguard the character and appearance of the area, in accordance with policy ENV2 of the East Cambridgeshire Local Plan 2015 (as amended 2023).
- 4 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 the dwelling.
- 4 Reason: To safeguard the character and appearance of the area and in the interest of highway safety, in accordance with policies ENV2, COM7 and COM8 of the East Cambridgeshire Local Plan 2015 (as amended 2023).
- 5 Demolition and construction times and deliveries, with the exception of fit-out, shall be limited to the following hours: 0730 to 1800 each day Monday - Friday, 0730 to 1300 Saturdays and none on Sundays, Bank Holidays and Public Holidays.
- 5 Reason: To safeguard the residential amenity of neighbouring occupiers, in accordance with policy ENV2 of the East Cambridgeshire Local Plan 2015 (as amended 2023).
- 6 In the event of the foundations from the proposed development requiring piling, prior to the commencement of any piling the applicant shall submit a report/method statement to the Local Planning Authority, for approval in writing, detailing the type of piling and mitigation measures to be taken to protect local residents from noise and/or vibration. Noise and vibration control on the development shall be carried out in accordance with the approved details.

- 6 Reason: To safeguard the residential amenity of neighbouring occupiers, in accordance with policy ENV2 of the East Cambridgeshire Local Plan 2015 (as amended 2023).
- 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 (as amended 2023).
- 8 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 (including retained existing trees/hedgerows) 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.
- 8 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 (as amended 2023) and the Natural Environment SPD, 2020.
- 9 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.
- 9 Reason: To protect and enhance species in accordance with policies ENV1, ENV2 and ENV7 of the East Cambridgeshire Local Plan 2015 (as amended 2023) and the Natural Environment SPD, 2020.
- 10 Prior to first occupation or commencement of use the proposed on-site parking and turning area shall be laid out, demarcated, levelled, surfaced and drained in accordance with the approved plan AHP 116ARN 08 and thereafter retained for that specific use.
- 10 Reason: In the interests of highway safety, in accordance with policies COM7 and COM8 of the East Cambridgeshire Local Plan 2015 (as amended 2023).

- 11 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (or any order revoking and re-enacting that Order with or without modifications), no development within Class(es) A of Part 1 of Schedule 2 of the Order shall take place on site unless expressly authorised by planning permission granted by the Local Planning Authority.
- 11 Reason: To safeguard the residential amenity of neighbouring occupiers, in accordance with policy ENV2 of the East Cambridgeshire Local Plan 2015 (as amended 2023).