

**24/00366/FUL**

12 Swaffham Road

Burwell

Cambridge

CB25 0AN

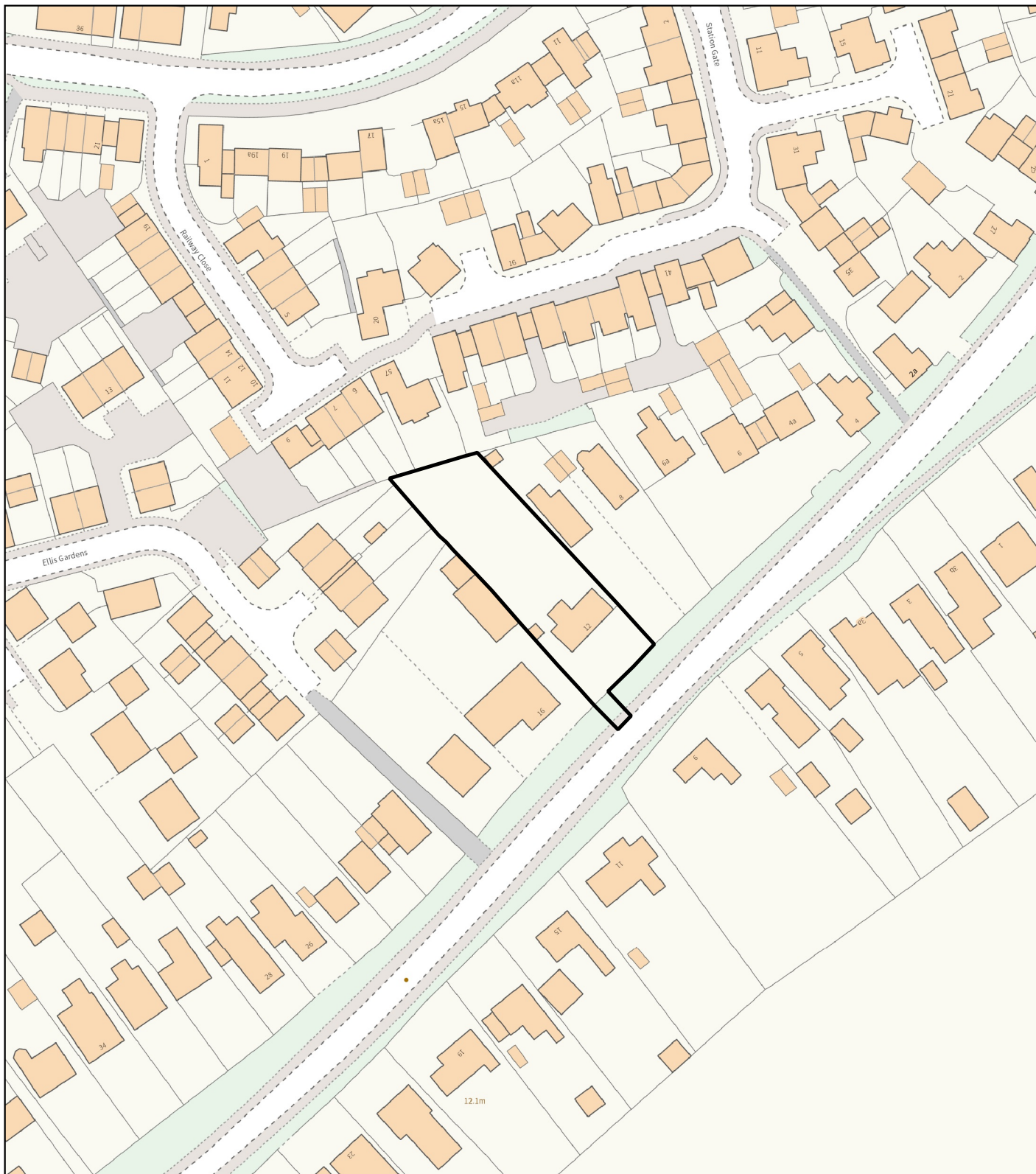
Demolition of single garage, construction of two semi detached bungalows and associated works

To view all of the public access documents relating to this application please use the following web address or scan the QR code:

<https://pa.eastcambs.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=SCPEZDGG0CU00>







24/00366/FUL

12 Swaffham Road  
Burwell



East Cambridgeshire  
District Council

Date: 24/10/2024  
1:1,250



© Crown copyright.  
All rights reserved 100023279 (2024)



**TITLE: 24/00366/FUL**

Committee: Planning Committee

Date: 6 November 2024

Author: Planning Officer

Report No: Z86

Contact Officer: Charlotte Sage, Planning Officer  
Charlotte.Sage@eastcambs.gov.uk  
01353 616353  
Room No 011 The Grange Ely

**Site Address: 12 Swaffham Road Burwell Cambridge CB25 0AN**

**Proposal: Demolition of single garage, construction of two semi detached bungalows and associated works**

**Applicant: Mr & Mrs M Smith**

**Parish: Burwell**

**Ward: Burwell**

Ward Councillor/s: David Brown  
Lavinia Edwards

**Date Received: 17 June 2024**

**Expiry Date: 12 August 2024**

**1.0 RECOMMENDATION**

1.1 Members are recommended to REFUSE the application for the reasons outlined below.

1.2 Principle of Development  
The application proposes in-depth development in a location which runs contrary to the prevailing linear character of residential development in this part of the settlement. The proposal creates an incongruous form of development which would harm the settlement pattern of the area, and the proposal by virtue of its siting, scale, and massing, would represent overdevelopment, detrimental to the character and appearance of the area.

## **2.0 SUMMARY OF APPLICATION**

- 2.1 The application seeks planning permission for the demolition of a single garage to the left of the host dwelling, to make way for a new driveway and the construction of two single storey bungalows to the rear.
- 2.2 The proposed layout includes two parking spaces for each of the proposed dwellings and the retention of two parking spaces from the host dwelling to the front of the site. No provision has been made for the inclusion of cycle parking spaces.
- 2.3 Landscaping has been proposed including new trees and hedgerows to the front and middle of the site, as shown on the submitted Soft Landscaping Scheme.
- 2.4 The application has not received any amendments to the design or layout during the course of the application.
- 2.5 Additionally, details were submitted in the form of a streetscene plan and a written statement from the agent in response to the neighbours' comments to the application.
- 2.6 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/>.
- 2.7 This application has been brought to planning committee at the request of Cllr Edwards due to "a precedence for back land development has already been set with other properties elsewhere."

## **3.0 PLANNING HISTORY**

- 3.1 There is no relevant on site planning history.
- 3.2 There is relevant planning history on nearby dwellings along Swaffham Road, as shown below:

### **23/00973/FUL**

58 Swaffham Road, Burwell

2 x single-storey dwellings, amended access, double garages, parking and site works

**Refused**

25 October 2023

**Appeal Dismissed**

### **19/00950/OUT**

58 Swaffham Road, Burwell

Outline planning application (all matters reserved except access) for the erection of five dwellings with a new access and associated works

**Refused**

13 September 2019

**Appeal Dismissed**



#### **4.0 THE SITE AND ITS ENVIRONMENT**

- 4.1 The application sites 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 north eastern boundary, the bungalow dwelling of No.10 Swaffham Road abuts the boundary fence, and to the south western 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 north western 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.

##### **Cambridgeshire Archaeology - 1 July 2024**

Records indicate that the development lies in an area of high archaeological potential within an area of early Anglo Saxon settlement (Cambridgeshire Extensive Urban Survey 2015), and to the south of the scheduled remains of Burwell Castle (National Heritage List Entry reference. 1015596). Archaeological evaluation works have been undertaken to the adjacent north and west of the development area, which revealed ditches, post holes and pitting of an Anglo-Saxon to medieval date (CHER ref. MCB31195).

Due to the archaeological potential of the site a further programme of investigation and recording is required in order to provide more information regarding the presence or absence, and condition, of surviving archaeological remains within the development area, and to establish the need for archaeological mitigation of the development as necessary. An archaeological condition and informative is required.

##### **Cadent Gas Ltd - 25 June 2024**

Application to review the attached plans, which detail the Cadent gas asset/s in the area. If the application affects one of our high pressure pipelines, it is a statutory requirement that you input the details into the HSE's Planning Advice Web App. A standard informative is suggested for the decision notice.

##### **Cadent Gas Ltd - 24 June 2024**

The application received a holding response from Cadent Gas. This is superseded by the response dated 25 June 2024.

**Parish - 9 October 2024**

Burwell Parish Council have no objections to this amendment.

**Parish - 10 July 2024**

Burwell Parish Council Objects to this application.

Previously it was stated that there should be no back fill properties on Swaffham Road. Allowing this would set a precedent for allowing back filling along the rest of the road.

**Environmental Health - 10 July 2024**

As stated in the Existing Use section of the application form, where land contamination is known or suspected, or the proposed use would be particularly vulnerable to the presence of contamination, an appropriate contamination assessment will be required with the application. Residential use is a proposed use that would be particularly vulnerable to the presence of contamination. The applicant will need to supply an appropriate contamination assessment with the application. A basic environmental search report may suffice.

**East Cambs Ecologist - 11 October 2024**

Currently this application provides a net loss -39.20% Biodiversity Net Gain. However, it would be ecologically acceptable to purchase offsite units from a local provider within the LPA area or the East Anglian Chalk National Characteristic Area. They require 0.0898 habitat biodiversity units.

BNG pre-commencement conditions for nonsignificant onsite are required. A LEMP or Small Site HMMP is also required and should include Ecological Enhancements.

Precautionary construction measures must be followed as set out in the PEA.

**Environmental Health - 19 June 2024**

A condition for Standard Construction and Demolition times has been suggested. If piling is required, then a method statement should be agreed in writing with the LPA before work takes place.

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

**ECDC Trees Team - 14 October 2024**

No tree related objections to the proposal, please condition compliance with the two tree reports' recommendations.

The Soft landscaping scheme will need to be revised as the use of soft fruit bearing trees over parking areas will be unsuitable for their long-term retention as will the use of trees that support a high aphid population due to the sticky residue (honey dew) that will be deposited on parked vehicles.

The current scheme has 4 trees out of the 7 proposed that are unsuitable for long-term retention. A revised soft landscaping scheme can be agreed by condition if required.



**Waste Strategy (ECDC) - 26 June 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 smooth surface level).

**Local Highways Authority** - No Comments Received

**CCC Growth & Development** - No Comments Received

**The Ely Group Of Internal Drainage Board** - No Comments Received

**Ward Councillors** - No Comments Received

5.2 A site notice was displayed near the site on 28 June 2024.

5.3 Neighbours – 11 neighbouring properties were notified, and the responses received are summarised below. A full copy of the responses are available on the Council's website.

- Character
- Density
- Contrived Layout
- Proposed is for backland development.
- Plot Sizes under recommended size
- Impact on Residential Amenity
- Noise and disturbance to host dwelling from driveway
- Concerns with privacy for No.12
- Two storey properties on Railway Close will overlooking the gardens of the proposed dwellings.
- The distance from the rear elevation of plot 2 to the rear boundary does not comply with 10m guideline set out in the Design Guide SPD.
- Concern over the construction works required for the demolition of the garage and alterations to the driveway due to the neighbouring Leylandii tree.
- Proposed bin storage locations exceed the East Cambridgeshire District Council maximum acceptable distance.
- Proximity of proposed bungalows to rear boundary fence
- Loss of light and overshadowing to property and garden.
- Concerns with Tree retention
- Concerns with the Biodiversity Net Gain Assessment. Bats will be severely hindered by the erection of the proposed bungalows.
- Removal of PD rights for windows

## **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 2023)**

- 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 and beautiful places
- 14   Meeting the challenge of climate change, flooding and coastal change
- 15   Conserving and enhancing the natural environment

### **6.4      Planning Practice Guidance**

### **6.5      National Design Guide**

### **6.6      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).**

## 7.0 **PLANNING COMMENTS**

### **Principle of Development**

- 7.1 Section 5 and 11 of the National Planning Policy Framework (NPPF) seeks to promote the delivery of a sufficient supply of homes and secure the efficient use of land within settlements.
- 7.2 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 Concerns in relation to Backland Development is discussed later in the report. Whilst the Design Guide SPD is not afforded the same weight as Policies within the Local Plan 2015 (as amended 2023) it is a material consideration in the determination of the application. The concerns Officers have with the backland development, are combined with concerns raised within the Character and Visual Amenity Section of this report but are briefly discussed below.
- 7.4 The Design Guide SPD states that Backland Development will only be acceptable if supported by a contextual analysis of the locality.
- 7.5 *Officers do not consider this development site to have any backland development context. The development pattern of Swaffham Road is strictly linear on both the north and south of Swaffham Road. To the rear of the site is a large 2000s housing estate which is afforded a completely different character and appearance to that of the development site. This does not contribute towards any backland or density context for these proposals.*
- 7.6 *To the north east of the development site, are two bungalows that are set back a significant distance from the highway. The two bungalows have unusually large front gardens for the area with a long shared driveway. Their position is an anomaly within the streetscape and are entirely uncharacteristic of the locality. Their position cannot be considered contextual backland development by virtue that there is no dwelling to the front of the site, they are simply built rewards of the building line.*
- 7.7 There are no other instances of backland development on Swaffham Road, from the entrance to the settlement of Burwell (west) to the junction with Reach Road where the B1102 changes to High Street. The linear characteristics and dwelling appearances along Swaffham Road change substantially beyond the junction with Heath Road. Therefore, Officers are confident that no other backland development is apparent on Swaffham Road, and there is no contextual background to the provision of backland development.
- 7.8 There must be sufficient space to allow for an access road to the rear, the width of which may be determined by the status of any adjoining highway.
- 7.9 *The proposals appear to have a sufficient amount of space to accommodate an access road to the rear. Highways have not commented on the application; therefore, Officers are unable to provide any technical response to the proposals. However, matters relating to highways and parking are discussed later in this report.*
- 7.10 Adequate protection against noise and disturbance must be provided for the host dwelling;

- 7.11 *The proposed bungalows have been set back from the host dwelling (also a bungalow) with a wooden fence to the rear boundary, and the driveway and parking areas for proposed dwellings thereafter.*
- 7.12 *Neighbours have raised concerns over the increase in noise and disturbance that is likely to be experienced by the Host Dwelling, through the use of the new access road for vehicles to the rear. There are also existing windows to the side of the bungalow that residents have raised concerns as the key area for potential noise disturbance. The use of the driveway will be intensified through the provision of two new dwellings, therefore there will be an increase in noise and disturbance. Whilst an impact may occur, Officers have received no concerns from Environmental Health with regards to the movement of vehicles or the increase in noise and disturbance, therefore only limited weight will be applied to the impact on residential amenity.*
- 7.13 Consideration should be given to the inclusion of adjacent land, to avoid piecemeal development. Applications may be refused if it cannot be demonstrated that the possibility of a more comprehensive development has not been explored;
- 7.14 *There is no adjacent land that could be included within this proposal due to the constraints of the site. The site is surrounded on all sides by existing residential dwellings and gardens.*
- 7.15 The fact that there may be space within the curtilage to construct a dwelling, will not, in itself, be sufficient justification for doing so;
- 7.16 *The proposals seeks to construct two dwellings in a backland location. Officers consider the provision of two dwellings in this location to be an overdevelopment of the site, and in great contrast to the density of dwellings along Swaffham Road. It is however, noted that the proposals include a statement in response to neighbours' comments. The statement looks to justify the provision of two dwelling by making comparisons of the proposed density and a justification for the smaller plot sizes than recommended in the Design Guide SPD. Whilst this is a consideration, Officers must also have due regard to the overall character and appearance of the site, including visual and residential amenity. It is considered that overall, there is not sufficient justification for the construction of two dwellings in a backland location.*
- 7.17 There can be no presumption that large houses in extensive curtilages should be able to subdivide the garden ground into smaller plots. It is important to retain a stock of housing that can accommodate the growth aspirations of Ely and the larger settlements in East Cambridgeshire, where there will be a demand for 'executive' style dwellings.
- 7.18 *This point has been indirectly discussed in the above paragraphs.*
- 7.19 **Residential Amenity**
- 7.20 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.
- 7.21 The dwellings are single storey and would be arranged to afford future occupiers with sufficient private amenity space, on-site manoeuvrability, waste bin storage and without exposure to any adverse overshadowing or overbearing impacts. Likewise, having regard to the same impacts, existing residents would be unlikely to be

adversely affected through the development. 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 dwellings.

- 7.22 Concerns have been raised by neighbours about the noise and disturbance that could be produced as a result of the new access road to the rear of the host dwelling. Officers agree that there will be additional noise, vibration and disturbance from use of the access road by a minimum of 4 vehicles. These vehicles would be travelling behind the existing building line, in line with neighbouring gardens and other bungalows. Officers consider the increased vehicle movements to cause some noise and disturbance impact to the host dwelling, however, not of an amount that would warrant a reason for refusal on its own.
- 7.23 The proposal is therefore considered to accord with the aims of Policy ENV 2 in this regard.
- 7.24 **Visual Amenity**
- 7.25 Section 12 of the National Planning Policy Framework is concerned with creating high quality, beautiful and sustainable buildings and places. It is necessary for new development to achieve good design to function well, establish a strong sense of place, have a suitable balance between built form and space, respond to local character and be visually attractive. It also states, development that is not well designed should be refused, especially where it fails to reflect local design policies.
- 7.26 Policy ENV1 and ENV2 of the East Cambridgeshire Local Plan 2015 (as amended 2023) 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.
- 7.27 Policy HOU 2 of the ECDC Local Plan 2015 (as amended 2023) requires that proposals take into account the existing character of the locality and densities of existing development, as well as the need to make efficient use of land; the biodiversity of the site and its surroundings; the need to accommodate other uses such as open space and parking, the levels of accessibility; and the safeguarding and provision of high levels of residential amenity.
- 7.28 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. Whilst there is no recent planning history on the site 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 to

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.

- 7.29 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. This being said, 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.
- 7.30 There will be partial views of the development from the highway, via the access drive, however, the proposed roof heights will be lower than the host dwelling. There will however 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.
- 7.31 The proposed dwellings are of modern design with regards to the form and appearance. The proposed materials have included within the application form and utilise fairfaced brickwork and render panels, natural slate roofs, anthracite grey windows and doors. 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 dwellings 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).
- 7.32 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).
- 7.33 **Highways and Parking**
- 7.34 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.
- 7.35 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.
- 7.36 The proposals seek to provide two parking spaces per 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).

- 7.37 No provision for secure cycle storage has been provided as part of these proposals. However, Officers consider that it is reasonable to apply a condition to any approval for the submission of details relating to cycle storage.

7.38 **Trees, Biodiversity and Ecology**

- 7.39 Policy ENV1 of the Local Plan 2015 requires proposals to protect, conserve and enhance traditional landscape features and the unspoilt nature and tranquillity of the area. Policy ENV 7 of the ECDC Local Plan 2015 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. No biodiversity enhancements have been put forward as a result of the application. This could be secured through condition if the application were recommended for approval.

- 7.40 The Trees Officer has been consulted on this application and has provided a no objections comment. However, he has raised that the soft landscaping scheme requires amendments to be suitable, and therefore if the application is approved, a condition should be applied for a suitable soft landscaping scheme. Additionally, should the application be approved, the Trees Officer has requested that a condition is applied for compliance with the two tree reports submitted with this application.

- 7.41 The Case Officer has spoken with the Trees Officer regarding potential impact on the root protection area of the neighbouring tree to the south west. Neighbours have raised concerns over the protection of the roots during the demolition of the garage, and the construction of the driveway. The Trees Officer has suggested that a condition could be applied to any approval, for a “no dig” method of driveway construction to be used in accordance with BS 5837:2012.

- 7.42 The Senior Ecologist has commented on this application and has concluded that whilst the application provides a net loss of -39.20%, it would be ecologically acceptable to purchase offsite units from a local provider within the LPA area or the East Anglian Chalk National Characteristic for 0.0898 Habitat Biodiversity Units. A standard BNG pre-commencement condition is recommended for any approval on this site, alongside a LEMP or Small Site HMMP to include additional ecological enhancements. Additionally, the Ecologist would require the development to follow the construction precautionary measures as set out in the submitted PEA.

7.43 **Flood Risk and Drainage**

- 7.44 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.

7.45 **Climate Change and Sustainability**

7.46 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.'

7.47 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.

7.48 **Other Material Matters**

7.49 The Archaeology officer has commented on the application and has noted that the application site is located in an area of archaeological potential. Whilst no objection has been made to the proposal, the Archaeology officer considers 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.

Planning Balance

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

7.51 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.

7.52 The proposal would result in an incongruous form of development which would harm the settlement pattern of the area.

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

7.54 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.

7.55 Members are therefore recommended to refuse the application.

## **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 the 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.

### Background Documents

24/00366/FUL

National Planning Policy Framework -

[https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/6077/2116950.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/6077/2116950.pdf)

East Cambridgeshire Local Plan 2015 -

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

