



EAST CAMBRIDGESHIRE DISTRICT COUNCIL

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

MEETING: **PLANNING COMMITTEE**

TIME: **3:00pm**

DATE: Monday, 24th September 2018

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

ENQUIRIES REGARDING THIS AGENDA: Janis Murfet

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

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

PLANNING COMMITTEE TO MEET IN RECEPTION AT THE GRANGE AT 9.35am
(Please note site visit timings are approximate)

A G E N D A

1. Apologies and Substitutions

[oral]

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

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

4. **18/00309/FUL**
Erection of a 1.8 m high security profiled mesh fence.
Soham Village College, Sand Street, Soham
Applicant: Soham Village College
Site Visit: 10:05am

5. **18/00528/FUM**
Erection of 6 additional mushroom growing tunnels, store room and service corridor.
May Farm, White House Road, Littleport
Applicant: Littleport Mushroom Farms LLP
Site Visit: 1:15pm

6. **18/00531/FUL**
Part two storey and part single storey extension with access to roof terrace. Three circular windows proposed on front elevation of previously approved sun lounge (16/01202/FUL)
Witcham Lodge, Headleys Lane, Witcham
Applicant: Mr & Mrs Freestone
Site Visit: 12:15pm

7. **18/00770/FUL**
Loft conversion and rear extension.
33 Cambridge Road, Ely, CB7 4HJ
Applicant: Mr S Paragon
Site Visit: 9.40am

8. **18/00774/FUL**

Demolition of barn and replacement with 3 detached dwellings and associated works.

Millfields Stables Ltd, Millfield Stables, Mill Lane, Stetchworth

Applicant: Ms K Bartlett

Site Visit: 10:45am

9. **18/00775/FUL**

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

51 Cannon Street, Little Downham, CB6 2SS

Applicant: Mr Jason Constable

Site Visit: 12:50pm

10. **18/00781/OUT**

Proposed outline consent for the erection of 5 dwellings including details of means of access. Appearance, landscaping, layouts, scales to be reserved matters.

Land Northeast of 37 and 38 High Street, Chippenham

Applicant: Mrs Angela Reeder

Site Visit: **No site visit.**

11. **18/00840/OUT**

All matters reserved except access for the redevelopment of the farmyard, buildings and associated land for up to 6 self build plots.

College Farm, Main Street, Wentworth

Applicant: Agreserves Ltd

Site Visit: 12:30pm

12. **18/00914/OUT**

Residential development of four dwellings, garaging, parking, access and associated works.

34 Market Street, Fordham, CB7 5LQ

Applicant: Mr M Cornwell

Site Visit: 11.15am

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

MAIN CASE

Reference No: 18/00309/FUL

Proposal: Erection of a 1.8m high security profiled mesh galvanised fence

Site Address: Soham Village College Sand Street Soham Ely
Cambridgeshire CB7 5AA

Applicant: Soham Village College

Case Officer: Chris Hancox Planning Officer

Parish: Soham

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

Date Received: 8 March 2018 **Expiry Date:** 28th Sept 2018

[T99]

1.0 **RECOMMENDATION**

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

- 1 Approved Plans/Documents
- 2 Time Limit -FUL/FUM/LBC
- 3 Tree works
- 4 Details of materials

2.0 **SUMMARY OF APPLICATION**

2.1 The application seeks consent for the erect of a 1.8m high profiled mesh galvanised green powder coated fence along the boundary of the playing field to the rear of Soham Village College. Following comments from the Tree Officer, an Arboricultural Method Statement was submitted to support the application on the 28th June 2018.

2.2 The full planning application, plans and documents submitted by the Applicant can be viewed online via East Cambridgeshire District Council's Public Access online service, via the following link <http://pa.eastcambs.gov.uk/online-applications/>. **Alternatively a paper copy is available to view at the East Cambridgeshire**

District Council offices, in the application file.

- 2.3 The application was called-in to Planning Committee by Councillor Goldsack as his opinion is the application should be heard and discussed at the Planning Committee”.

3.0 **PLANNING HISTORY**

- 3.1 None applicable.

4.0 **THE SITE AND ITS ENVIRONMENT**

- 4.1 The site is a playing field adjacent to the rear and owned by Soham Village College. The field is mostly hidden from view of the public highway, but is visible from the public footpath that runs along most of the boundary of the field. The college has profiled mesh galvanised green powder coated fence already erected in other parts of their grounds. There are trees along parts of the boundary of the site including trees on the northern part of the site protected by a Tree Preservation Order (90/00016/TPO). The site is located outside the development envelope.

5.0 **RESPONSES FROM CONSULTEES**

- 5.1 Various responses were received which are summarised below. The full responses are available on the Council's web site.

Parish – The Parish Council are concerned that the footpath will be narrowed and who will be responsible for the trees should the fence be erected.

Ward Councillors (Councillor Goldsack) – Called application into Planning Committee as his opinion is “the application should be heard and discussed at the Planning Committee”.

Senior Trees Officer – Following the submission of the Arboricultural Method Statement the Tree Officer has no objection to the scheme. However, in erecting the fence it may detract from the rural character of the area.

Asset Information Definitive Map Team - No Comments Received

Minerals And Waste Development Control Team - No Comments Received

Consultee For Other Wards In Parish - No Comments Received

Cambridge Ramblers Association - No Comments Received

- 5.2 Neighbours – No neighbouring properties were notified, however 4 responses were received and are summarised below. A full copy of the responses are available on the Council's website.

Objections (3 neighbours)

- In erecting the fence it will restrict access onto the field which is a public leisure facility;
- The impact on the footpath is not clear.

In support (1 neighbour)

- Can the CCTV be reinstated;
- Will the gates be secured?

5.3 A site notice was displayed on a lamp post on 14th March 2018.

6.0 The Planning Policy Context

6.1 East Cambridgeshire Local Plan 2015

GROWTH 5 Presumption in favour of sustainable development

ENV 1 Landscape and settlement character

ENV 2 Design

ENV 7 Biodiversity and Geology

6.2 Supplementary Planning Documents Design Guide

6.3 National Planning Policy Framework 2018

2 Achieving sustainable development

12 Achieving well-designed places

6.4 Submitted Local Plan 2017

LP1A presumption in Favour of Sustainable Development

LP22 Achieving Design Excellence

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

LP30 Conserving and Enhancing Biodiversity and Geodiversity

7.0 PLANNING COMMENTS

7.1 The main considerations of this application are: principle of development, residential amenity, visual amenity, impact on trees and impact on the public footpath.

7.2 **Principle of development, Residential and Visual Amenity**

7.1.1 The proposed fencing is to be located on Soham Village College playing field boundary, most of which is adjacent to a public footpath and boundary vegetation.

7.1.2 Acceptability in terms of the principle of development, visual amenity and residential amenity has already been established as acceptable because the works benefit from consent under the Town & Country Planning (General Permitted Development) (England) Order 2015 Schedule 2, Part 2, Class A (gates, fences, walls etc), which

permits the erection of any gate, fence, wall or means of enclosure, for a school up to 2 metres above ground level. As such, it would be unreasonable and not justifiable for the Local Planning Authority to refuse the proposal, as it already has permission from Central Government. Notwithstanding that the fencing benefits from consent under permitted development, the proposal will not have a detrimental impact on residential amenity and even though a natural vegetation boundary treatment would be preferred (as per the Tree Officer comments), the green colour of the profiled mesh fencing will help it to assimilate into the surrounding rural landscape. Therefore the proposal accords to Policies ENV1 and ENV2 of the East Cambridgeshire Local Plan 2015 and Policies LP22 and LP28 of the Submitted Local Plan 2017.

7.2 Impact on Trees

7.2.1 The proposed fencing around the field boundary will be in close proximity to various trees and hedging. The trees along the northern boundary of the field are protected by a Tree Preservation Order (90/00016/TPO) and any works to these trees must be accepted by the Local Planning Authority (LPA). Concerns were raised by the Tree Officer regarding the close proximity of the proposed fencing near to the protected and other trees, so requested an Arboricultural Method Statement. Following the submission of the Arboricultural Method Statement by the applicant on the 28th June 2018, the Tree Officer has no objection to the proposal as the works should not have a negative impact on the trees, but has requested that the Arboricultural Method Statement be implemented under condition of a planning approval. Therefore with the condition the proposal complies with Policy ENV1, ENV2 and ENV7 of the East Cambridgeshire Local Plan 2015 and Policy LP28 and LP30 of the Submitted Local Plan 2017, which requires proposals not to adversely affect the treescape and preserve biodiversity.

7.3 Impact on the Public Footpath

7.3.1 Concerns have been raised that the fencing will restrict public access to the field and public footpath. The right of public access to the school field is not a material planning consideration, but a civil matter. The detailed fencing location plan submitted with the Arboricultural Method Statement (drawing no. 'Arbtech AIA 01'), shows that the fence will not impede the public footpath that follows along the edge of the school field boundary.

7.4 Other Material Matters

7.4.1 If members are minded to approve the application, a materials condition and a tree works condition should be applied to the decision.

7.5 Planning Balance

7.5.1 Acceptability in terms of the principle of development, visual amenity and residential amenity has already been established as acceptable because the works benefit from consent under the Town & Country Planning (General Permitted Development) (England) Order 2015 Schedule 2, Part 2, Class A (gates, fences, walls etc), which

permits the erection of any gate, fence, wall or means of enclosure, for a school up to 2 metres above ground level. As such, it would be unreasonable and not justifiable for the Local Planning Authority to refuse the proposal. Despite the fact that the fencing benefits from consent under permitted development, the proposal will not negatively impact on residential amenity and even though natural vegetation boundary treatment would be preferred, the green colour of the profiled mesh fencing will help it to assimilate into the surrounding rural landscape. The proposal accords to Policies ENV1 and ENV2 of the East Cambridgeshire Local Plan 2015 and Policies LP22 and LP28 of the Submitted Local Plan 2017.

7.5.2 The proposal is only being assessed on its impact to the protected trees (TPOs). The proposed fencing around the field boundary will be in close proximity to various trees and hedging, including trees along the northern boundary protected by a Tree Preservation Order (90/00016/TPO). Following the submission of the Arboricultural Method Statement by the applicant, the Tree Officer has no objection to the proposal as the works should not have a negative impact on the trees, but has requested that the Arboricultural Method Statement be implemented under condition of a planning approval. Therefore with the condition the proposal complies with Policy ENV1, ENV2 and ENV7 of the East Cambridgeshire Local Plan 2015 and Policy LP28 and LP30 of the Submitted Local Plan 2017, which requires proposals not to adversely affect the treescape and preserve biodiversity.

7.5.3 Concerns have been raised that the fencing will restrict public access to the field and public footpath. The right of public access to the field is not a material planning consideration, but a civil matter. The detailed fencing location plan submitted with the Arboricultural Method Statement (drawing no. 'Arbtech AIA 01'), shows that the fence will not impede the public footpath that follows along the edge of the school field boundary.

8.0 APPENDICES

8.1 Appendix 1 – Recommended Conditions

<u>Background Documents</u>	<u>Location</u>	<u>Contact Officer(s)</u>
18/00309/FUL	Chris Hancox Room No. 011 The Grange Ely	Chris Hancox Planning Officer 01353 665555 chris.hancox@eastc amb.s.gov.uk

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

East Cambridgeshire Local Plan 2015 -

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

APPENDIX 1 - 18/00309/FUL Recommended Conditions

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

Plan Reference	Version No	Date Received
Arboricultural Method Statement		28th June 2018
Arbtech AIA 01		28th June 2018
Arbtech TPP 01 Sheet 1		28th June 2018
Arbtech TPP 01 Sheet 2		28th June 2018
Location Plan		8th March 2018
PHOTO - Existing Fencing on site		8th March 2018

- 1 Reason: To define the scope and extent of this permission.

- 1 The development hereby permitted shall be commenced within 3 years of the date of this permission.

- 1 Reason: To comply with Section 91 of the Town and Country Planning Act 1990, as amended.

- 2 All works shall be carried out in accordance with the Arboricultural Method Statement dated 27th June 2018. If, during construction, it becomes apparent that further works or changes are required, work shall not progress any further on site until the applicant has secured a site meeting with a suitably qualified professional to agree the details and phasing of any tree surgery works not detailed in the submitted report. A written schedule shall be submitted to and approved in writing by the Local Planning Authority.

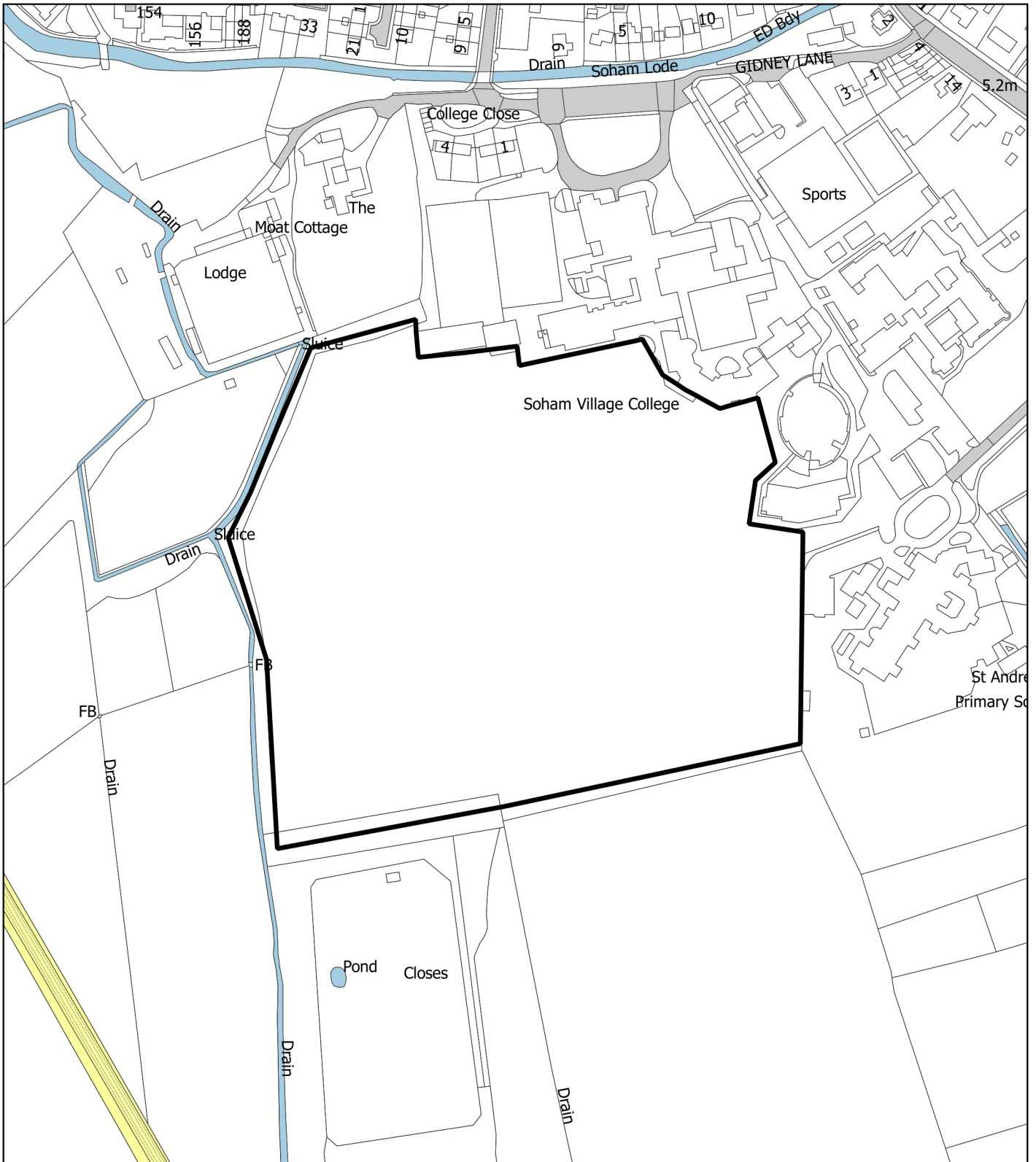
- 2 Reason: To ensure that the trees on site are adequately protected, to safeguard the character and appearance of the area, in accordance with policies ENV1 and ENV2 of the East Cambridgeshire Local Plan 2015 and LP22 and LP28 of the Submitted Local Plan 2017.

- 3 The materials to be used in the construction of the fencing, as detailed in the schedule below and the planning application form:

Profiled mesh galvanised green powder coated

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

- 3 Reason: To safeguard the character and appearance of the area, in accordance with policy ENV2 of the East Cambridgeshire Local Plan 2015 and LP22 of the Submitted Local Plan 2017.



18/00309/FUL

Soham Village College
 Sand Street
 Soham



East Cambridgeshire
 District Council

Date: 17/08/2018
 Scale: 1:3,000



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MAIN CASE

Reference No: 18/00528/FUM

Proposal: Erection of 6 Additional mushroom growing tunnels, store room and service corridor

Site Address: May Farm White House Road Littleport Ely Cambridgeshire CB7 4TF

Applicant: Littleport Mushroom Farms LLP

Case Officer: Andrew Phillips Senior Planning Officer

Parish: Littleport

Ward: Littleport East
Ward Councillor/s: Councillor David Ambrose-Smith
Councillor Jo Webber

Date Received: 8 May 2018 **Expiry Date:** 1 October 2018

[T100]

1.0 **RECOMMENDATION**

- 1.1 Members are recommended to approve the application subject to the following conditions:
1. Approved Plans
 2. Time Limit
 3. Construction times
 4. No external lights
 5. Surface water
 6. Materials
 7. Biodiversity improvements
 8. Delivery and collection times
 9. Mushroom compost
 10. Working hour
 11. Biodiversity protection
 12. Lighting

2.0 **SUMMARY OF APPLICATION**

- 2.1 The application has been brought to committee due to the development proposing in excess of 1,000 sqm and the Council's Constitution. While agricultural buildings do not normally come to committee, due to the overall size of the farm/operation and that the proposal is not traditional agriculture and the original application was

determined by committee; it was considered the best course of action to have this determined in a public forum.

- 2.2 The application was screened and considered to not require an Environmental Statement, due to the proposals scale and location.
- 2.3 The proposal has been amended during the application process to include additional drainage information and a number of revisions. The revised proposal removed the extension to the plant room but adds a store room, reduced the number of tunnels from 7 to 6 but added a service corridor and made the tunnels the same height as the existing ones on site.
- 2.4 The full planning application, plans and documents submitted by the Applicant can be viewed online via East Cambridgeshire District Council's Public Access online service, via the following link <http://pa.eastcambs.gov.uk/online-applications/>. **Alternatively a paper copy is available to view at the East Cambridgeshire District Council offices, in the application file.**

3.0 PLANNING HISTORY

3.1

11/00447/FUM	Erection of mushroom farm and anaerobic digestion plant, alterations to vehicular access arrangements to White House Road and Mildenhall Road and associated drainage works along with associated landscaping, parking and servicing.	Approved	05.10.2011
17/00874/VARM	To vary conditions 7, 14, 19 of previously approved 11/00447/FUM for the erection of mushroom farm and anaerobic digestion plant, alterations to vehicular access arrangements to White House Road and Mildenhall Road and associated drainage works along with associated landscaping, parking and servicing.	Withdrawn	12.07.2017
	Condition Number(s): Seven, Fourteen, Nineteen		
	Conditions(s) Removal:		

Working hours need to change in order to increase output and meet customer demand.

Working hours to change from 06:00 - 22:00 to 24hour operation (in the Packhouse only).

4.0 THE SITE AND ITS ENVIRONMENT

4.1 The proposed development is at the back of the existing mushroom farm, which has mushroom tunnels and metal clad sheds. The most noticeable buildings are to the east, which are the anaerobic digesters. The site is surrounded by countryside.

5.0 RESPONSES FROM CONSULTEES

5.1 The full responses are available on the Council's web site.

Littleport Parish Council – (5 June 2018) No concerns or comments.

(17 July 2018) No strong objections to this proposal but does state that the public highway does need upgrading as it is believed to be below standard.

Cllr David Ambrose Smith – (14 May 2018) Welcomes the application but states that the condition of the Little Ouse road will soon be unusable. Seeks remedial work to be carried out, as part of this application due to the increased amount of traffic.

Design Out Crime Officer – (22 May 2018) Supports this application.

Local Highways Authority (including Transport Team) – (25 May 2018) No objection in principle to this development.

Environment Agency – (31 May 2018) The proposed development is within floodzone 3 and it is for the Local Planning Authority to determine if the applications passes the Sequential Test.

No objection to the proposal but strongly recommends that the mitigation measures proposed by the developer are adhered to.

The Internal Drainage Board should be consulted as part of this application.

It recommends that flood resilience measures are incorporated into the design of the development.

Also provides standard advice in regards to surface water and prevention of contamination.

Lead Local Flood Authority – (31 May 2018) It objects to the granting of planning permission, as it seeks a full surface water drainage condition (including 40% climate change allowance).

(25 June 2018) It has no objection in principle. The developer has demonstrated that water discharge would be 1.1 liters per second per hectare.

It recommends a pre-commencement condition in order to ensure a suitable drainage system is brought forward and another condition to ensure it is maintained.

(19 July 2018) No additional comments to amendment.

Burnt Fen Internal Drainage Board – (29 May 2018) It has no objections from a drainage point of view.

Environmental Health – (30 May 2018) Agrees with developer that a condition should be added regarding construction noise. Also recommends conditions in regards to burning of waste and flood lights.

Does point out that planning permission does not confer immunity from action under statutory nuisance.

(10 July 2018) No additional comments on the amendment.

5.2 Neighbours – 10 neighbouring properties were notified, a site notice put up on the 20 June 2018 a notice put in the press on the 28 June 2018. There were no responses received.

6.0 The Planning Policy Context

6.1 East Cambridgeshire Local Plan 2015

GROWTH 1	Levels of housing, employment and retail growth
GROWTH 2	Location strategy
GROWTH 3	Infrastructure requirements
GROWTH 5	Presumption in favour of sustainable development
EMP 2	Extensions to existing businesses in the countryside
ENV 1	Landscape and settlement character
ENV 2	Design
ENV 4	Energy efficiency and renewable energy in construction
ENV 7	Biodiversity and geology
ENV 8	Flood risk
ENV 9	Pollution
COM 7	Transport impact
COM 8	Parking provision

6.2 Supplementary Planning Documents
Design Guide
Cambridgeshire Flood and Water

Developer Contributions
Contamination

6.3 National Planning Policy Framework 2018

- 2 Achieving sustainable development
- 4 Decision-making
- 8 Promoting healthy and safe communities
- 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 Submitted Local Plan 2017

- LP1 A presumption in Favour of Sustainable Development
- LP2 Level and Distribution of Growth
- LP3 The Settlement Hierarchy and the Countryside
- LP8 Delivering prosperity and Jobs
- LP17 Creating a Sustainable, Efficient and Resilient Transport Network
- LP18 Improving Cycle Provision
- LP20 Delivering Green Infrastructure, Trees and Woodland
- LP22 Achieving Design Excellence
- LP23 Water Efficiency
- LP24 Renewable and Low Carbon Energy Development
- LP25 Managing Water Resources and Flood Risk
- LP26 Pollution and Land Contamination
- LP28 Landscape, Treescape and Built Environment Character, including Cathedral Views
- LP30 Conserving and Enhancing Biodiversity and Geodiversity

7.0 PLANNING COMMENTS

7.1 Principle of Development

7.2 The proposed development is outside of the village framework. However, the proposals main aim is the production of food and this is supported outside village frameworks by GROWTH 2 of the Adopted Local Plan 2015. In addition the proposal is a relatively small extension (and suitable scale) to the existing business that will not have a detrimental impact on the road network/safety or residential amenity; it therefore complies with policy EMP2 of the Adopted Local Plan 2015. This is backed up in policy LP3 of the Submitted Local Plan 2017.

7.3 The proposed development is considered to be acceptable in principle.

7.4 Residential Amenity

7.5 The proposal is located to the rear of the site and a significant distance from any neighbour so will not cause any loss of privacy or light and will have no overbearing impact.

- 7.6 The conditions suggested by the Environmental Health Officer in regards to hours of construction work and external lighting are considered reasonable and can be added to any approval. The lighting condition is primarily for the protection of the rural character, as light pollution leads to the damage of the rural night sky and the original permission included lighting conditions.
- 7.7 It is also considered reasonable to add similar conditions to those that are on the main mushroom farm in regards to delivery/collection times, hours of work and the moving of compost. This is in order to ensure that the entire farm works under the same constraints.
- 7.8 The proposal is considered to comply with policies ENV2 and ENV9 of the East Cambridgeshire Local Plan 2015 and LP22 of the Submitted Local Plan 2017.
- 7.9 Visual Amenity
- 7.10 The proposed mushroom tunnels are approximately 5.6m tall, which is about 1m lower than the surrounding buildings. With the existing buildings surrounding the proposed development to the south and west it is likely that the proposal will remain un-viewed by members of the public for most of its life.
- 7.11 The mushroom tunnels will be of very similar appearance to those existing on site.
- 7.12 The proposal is considered to be in accordance with policy ENV2 of the East Cambridgeshire Local Plan 2015 and LP22 of the Submitted Local Plan 2017.
- 7.13 Highways
- 7.14 The developer has stated that the number of 2 way vehicle movements a week will increase from 450 to 546. However, the main difference in vehicle movements is because of the company seeking a workforce with permanent contracts; this leads to less busses but significantly more private vehicles. The proposed development is, therefore, not leading to a substantial change in traffic movements but the change in work practice on the entire site is.
- 7.15 The original permission had 60 parking spaces and 3 spaces for busses. There is no additional parking spaces to be provided on site, but again it is considered that the demand in parking will be more down to change in employment practices than the additional mushroom tunnels.
- 7.16 Adopted public road maintenance is not a matter of any private developer or landowner, as this is County Council duty. It would, therefore, be unreasonable to require the developer to maintain the public highway.
- 7.17 The comments of the Local Highways Authority including Transport Team are accepted by the Case Officer. The proposal will not have a detrimental impact upon the public highway. The proposal, therefore, complies with COM7 and COM8 in the adopted Local Plan 2015 and LP17 in the Submitted Local Plan 2017.
- 7.18 Ecology

- 7.19 The developers ecology report states that construction work should be undertaken during the day and any external lighting should be carefully erected, as well as other general guidance.
- 7.20 The developer is not offering as part of their application any biodiversity enhancement measures. With the size of the development some biodiversity measures is considered to be required, this might be bird/bat or insect box on the side of the proposed store room. Subject to this the proposal is considered to be in accordance with policies ENV1, ENV2 and ENV7 of the East Cambridgeshire Local Plan 2015 and LP28, LP22 and LP30 of the Submitted Local Plan 2017.
- 7.21 Flood Risk and Drainage
- 7.22 While the site is within Floodzone 3, so is the entire farm. It would not be possible for the developer to site their proposal in an area less at risk of flooding on their compound. It would also be impractical for the developer to find a site in Floodzones 1 or 2 for this proposal, as it is tied to the main farm complex. The proposal for these reasons passes the Sequential Test.
- 7.23 With the nature of the proposal the mitigation measures will need to be through careful water management.
- 7.24 If the application was to be approved a surface water condition as requested by the Lead Local Flood Authority should be added in order to ensure that the proposal suitably manages water flow on and off site.
- 7.25 Energy Sustainability
- 7.26 With the overall site already having anaerobic digesters to produce energy and due to the nature of this proposal, it is not considered necessary to require additional energy improvements for this development.
- 7.27 Planning Balance
- 7.28 The proposed mushroom growing tunnels are at the rear of an existing and significantly larger mushroom farm complex. It is for this reason that the impact of the development on residential amenity and visual impact will be very minimal if suitable conditions are added as detailed above.
- 7.29 The Local Highways Authority provide no objection to this development and the Lead Local Flood Authority accept the proposal if a surface water condition is added.
- 7.30 There is no foreseeable reason to withhold planning permission for this development and on this basis it is recommended for approval.
- 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 ie relating to the way a matter has been dealt with or substantive ie 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.

8.4 In this case members' attention is particularly drawn to the following points:

- The existing size and operation of the May Farm
- No objection from a statutory consultee

9.0 APPENDICES

9.1 Appendix 1 - Conditions

<u>Background Documents</u>	<u>Location</u>	<u>Contact Officer(s)</u>
18/00528/FUM	Andrew Phillips Room No. 011 The Grange	Andrew Phillips Senior Planning Officer
11/00447/FUM 17/00874/VARM	Ely	01353 665555 andrew.phillips@ea stcambs.gov.uk

National Planning Policy Framework -

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

East Cambridgeshire Local Plan 2015 -

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

APPENDIX 1 - 18/00528/FUM Conditions

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

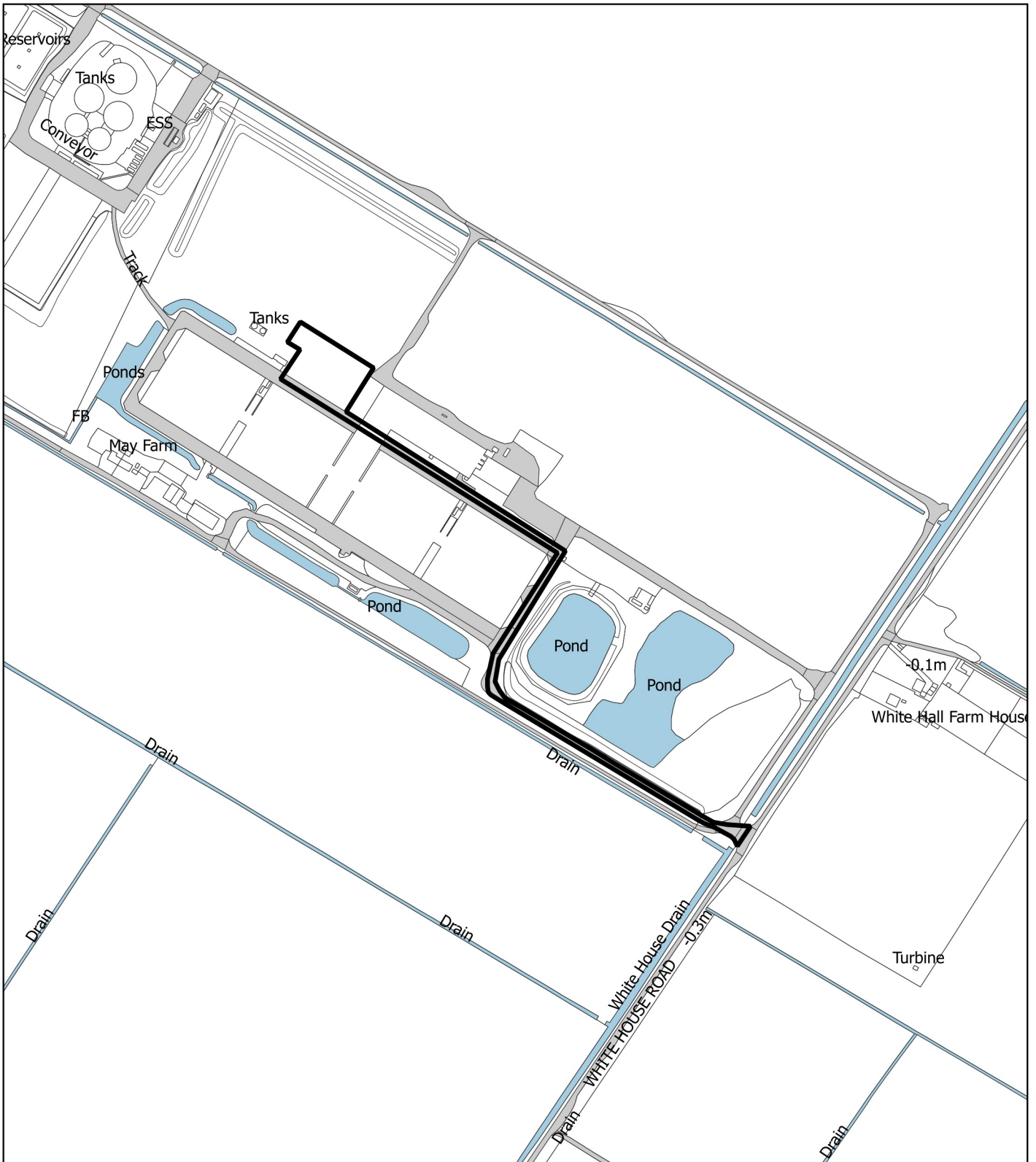
Plan Reference	Version No	Date Received
LMFLLP-EL	V4	27th June 2018
LMFLLP-GA	V4	27th June 2018
LMFLLP-GA	V3A	27th June 2018

- 1 Reason: To define the scope and extent of this permission.
- 2 The development hereby permitted shall be commenced within 3 years of the date of this permission.
- 2 Reason: To comply with Section 91 of the Town and Country Planning Act 1990, as amended.
- 3 Construction times and deliveries, with the exception of fit-out, shall be limited to the following hours 08:00 – 18:00 each day Monday-Friday, 08:00 – 13:30 Saturdays and none on Sundays or Bank Holidays/Public Holidays.
- 3 Reason: To safeguard the residential amenity of neighbouring occupiers, in accordance with policy ENV2 of the East Cambridgeshire Local Plan 2015 and LP22 of the Submitted Local Plan 2017.
- 4 No external lights shall be erected within the site (either freestanding or building-mounted) other than those expressly authorised within this application.
- 4 Reason: To safeguard the character and appearance of the area, in accordance with policy ENV2 of the East Cambridgeshire Local Plan 2015 and LP22 of the Submitted Local Plan 2017.
- 5 No development shall commence until a detailed surface water drainage scheme for the site, based on the agreed Flood Risk Assessment prepared by Hennock International has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be completed prior to first use and thereafter maintained in perpetuity.
- 5 Reason: To prevent the increased risk of flooding and to improve and protect water quality, in accordance with policies ENV2 and ENV8 of the East Cambridgeshire Local Plan 2015 and LP22 and LP25 of the Submitted Local Plan 2017. The condition is pre-commencement as it would be unreasonable to require applicants to undertake this work prior to consent being granted and the details need to be agreed before construction begins.
- 6 The materials to be used in the construction of the external surfaces shall be as specified on the application form. All works shall be carried out in accordance with the approved details.

- 6 Reason: To safeguard the character and appearance of the area, in accordance with policy ENV2 of the East Cambridgeshire Local Plan 2015 and LP22 of the Submitted Local Plan 2017.
- 7 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.
- 7 Reason: To protect and enhance species in accordance with policies ENV1, ENV2 and ENV7 of the East Cambridgeshire Local Plan 2015 and LP28, LP22 and LP30 of the Submitted Local Plan 2017.
- 8 Delivery and collection times shall be limited to 07:00 - 21:00 each day Monday to Friday and 08:00 - 18:00 Saturday, Sunday and Bank Holidays.
- 8 Reason: To safeguard the residential amenity of neighbouring occupiers, in accordance with policy ENV2 of the East Cambridgeshire Local Plan 2015 and LP22 of the Submitted Local Plan 2017.
- 9 On delivery, mushroom compost shall be transferred immediately into the growing rooms.
- 9 Reason: To safeguard the residential amenity of neighbouring occupiers, in accordance with policy ENV2 of the East Cambridgeshire Local Plan 2015 and LP22 of the Submitted Local Plan 2017.
- 10 Working hours for the mushroom farm shall take place only between the hours of 06:00 - 22:00 Monday to Friday and 07:00 - 20:00 Saturday, Sundays and Bank Holidays.

The only activities permitted on site outside of these hours are for access by employees and contractors for purposes of security and undertaking emergency maintenance and repair.
- 10 Reason: To safeguard the residential amenity of neighbouring occupiers, in accordance with policy ENV2 of the East Cambridgeshire Local Plan 2015 and LP22 of the Submitted Local Plan 2017.
- 11 During the entire construction period the recommendations contained within Preliminary Ecological Appraisal (6th March 2018) shall be complied with.
- 11 Reason: To protect and enhance species in accordance with policies ENV1, ENV2 and ENV7 of the East Cambridgeshire Local Plan 2015 and LP28, LP22 and LP30 of the Submitted Local Plan 2017.
- 12 All lighting, excluding security lighting, shall be switched off between the hours of 22:00 – 06:00. A map indicating which lights will be operating for what times including identifying security lighting shall be submitted, agreed in writing with the Local Planning Authority and fully implemented prior to the commencement of use of the site.

- 12 Reason: To safeguard the character and appearance of the area, in accordance with policy ENV2 of the East Cambridgeshire Local Plan 2015 and LP22 of the Submitted Local Plan 2017.



18/00528/FUM

May Farm
White House Road
Littleport



East Cambridgeshire
District Council

Date: 07/09/2018
Scale: 1:5,000



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MAIN CASE

Reference No: 18/00531/FUL

Proposal: Part two storey and part single storey extension with access to roof terrace

Site Address: Witcham Lodge Headleys Lane Witcham Ely
Cambridgeshire CB6 2LH

Applicant: Mr & Mrs Freestone

Case Officer: Chris Hancox, Planning Officer

Parish: Witcham

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

Date Received: 19 April 2018 **Expiry Date:** 1st October 2018

[T101]

1.0 **RECOMMENDATION**

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

1 – The proposal is for a two storey side (northern) extension with a single storey garage and workshop behind, using external black featheredge timber cladding and slate roof tiles. Overall the proposal is considered to have a detrimental impact on the character of the conservation area by virtue of its inappropriate use of black featheredge boarding, which is a material associated with barns not historical houses , plus the large scale and massing of the extension. The proposal makes an attempt to be subservient to the host building, but the overall scale and massing (especially at 1st floor level) will have a detrimental dominant impact on the streetscene of the conservation area. It would introduce additional built form with a visibly dominant side elevation to the detriment of the conservation area, especially if the current vegetation screening is not in leaf or needs to be removed. The introduction of this additional built form is considered to make a negative contribution to the conservation area with no public benefit. Therefore, for the reasons given above, the proposal would fail to comply with Section 16 of the National Planning Policy Framework (2018), contrary to Policies ENV1, ENV2 and ENV11 of the East Cambridgeshire Local Plan 2015 and Policies LP22, LP27 and LP28 of the Submitted Local Plan 2017.

2 – The proposal is for a two storey side (northern) extension with a single storey garage and workshop behind with a large 1st floor roof terrace on top. The proposed

large terrace at first floor level causes detrimental overlooking to the neighbour's (Witcham House) private amenity space (garden), as the front of the terrace (eastern elevation) will be immediately adjacent to the neighbours boundary (less than 10m) and in close proximity (under 20m) to the private rear garden, which is contrary to the East Cambridgeshire Design Guide. An attempt has been made to resolve this overlooking concern, with the addition of privacy screening (Mobilane Green Screen) attached to the northern elevation railings, added by the amendments dated 21st July 2018, but this does not go far enough to resolve the overlooking concerns. The neighbour (Witcham House) has a 2m high conifer hedge that provides a level of privacy screening to their private rear garden area, but this cannot be relied upon to be retained. As such, if this hedge is removed the proposed 1st floor terrace area will have unacceptable overlooking to the private garden space of Witcham House. This will cause a detrimental impact to the neighbour's privacy, so the proposal is contrary to Policy ENV2 of the adopted East Cambridgeshire Local Plan 2015 and Policy LP22 of the Submitted Local Plan 2017, due to the significant harm to residential amenity.

3 – An Arboricultural Impact Assessment was submitted to the Authority on the 3rd July 2018. The Tree Officer has examined the submitted Arboricultural Impact Assessment and raised concerns with regards to the validity of the report, due to Root Protect Area (RPA) circle map errors (off centre). The applicant has not submitted a sufficiently accurate Arboricultural Impact Assessment to demonstrate that the proposal will not adversely affect the protected neighbouring trees, so is contrary to Policy ENV7 of the East Cambridgeshire Local Plan and Policy LP30 of the Submitted Local Plan 2017, which requires proposals not to adversely affect the treescape and preserve biodiversity.

2.0 SUMMARY OF APPLICATION

- 2.1 The application seeks consent for the creation of a two storey side extension, plus a single storey extension behind, with a roof terrace. The two storey element of the proposal will facilitate a ground floor utility room, a vehicle entrance to the rear garage parking area (including recessed garage doors) and a workshop. The 1st floor will facilitate a bedroom, which will have double doors leading onto the garage/workshop roof large terrace area, with parapet wall and fixed wrought iron railings. The proposed exterior materials are black featheredge timber cladding, slate roof tiles (to match existing), white UPVC windows and doors to match existing.
- 2.2 The proposal originally included proposed additional circular portal windows into the approved sun-lounge room front elevation (facing the highway), approved under 16/01202/FUL, which has not yet been built. However, the amendment of the 21st July 2018 removed these windows from the application.
- 2.3 The full planning application, plans and documents submitted by the Applicant can be viewed online via East Cambridgeshire District Council's Public Access online service, via the following link <http://pa.eastcambbs.gov.uk/online-applications/>. **Alternatively a paper copy is available to view at the East Cambridgeshire District Council offices, in the application file.**

2.4 The application was called-in to Planning Committee by Councillor Anna Bailey as she is of the opinion that the “application would benefit from being heard by the Planning Committee”, so the applicant’s agent can be heard to address points raised.

3.0 PLANNING HISTORY

3.1

16/00397/FUL	Proposed sun-lounge and works to boundary wall	Approved	31.05.2016
16/00545/FUL	Proposed ground and first floor side extension	Approved	27.07.2016
16/01201/FUL	Proposed extensions revised design to previous application 16/00545/FUL	Approved	22.12.2016
16/01202/FUL	Proposed sun-lounge and works to boundary wall (amended design)	Approved	23.11.2016
16/01374/TRE	T1 SYCAMORE: Fell T2 HORSE CHESTNUT: Fell T3 HORSE CHESTNUT: Fell T4 HORSE CHESTNUT: Fell T5, T6, T7 YEWS x3: Fell	Approved	03.11.2016

4.0 THE SITE AND ITS ENVIRONMENT

4.1 The site is located to the east of Headleys Lane, just outside the development envelope of Witcham. The conservation area of Witcham wraps around the existing dwelling with a rear garden and long side garden (south) abutting the highway, which is located just outside of the conservation area boundary. The site comprises a historic detached two-storey dwelling, with an existing vehicle access leading directly to a side (northern) gravelled driveway area, which has enough parking for at least two cars, plus some manoeuvring space. The site backs onto fields in use as agricultural and horse grazing. Directly to the north west of the site is Witcham House, which has a large rear garden and a number of mature trees within its grounds, some of which are within close proximity to the application site boundary. Although Witcham House is not officially listed, it is an important building of local interest within the Witcham Conservation Area.

5.0 **RESPONSES FROM CONSULTEES**

5.1 Various responses were received which are summarised below. The full responses are available on the Council's web site.

Witcham Parish Council – Raises no concerns.

Ward Councillors (Councillor Anna Bailey) - requested the application be called into planning committee as she is of the opinion that the application would benefit from being heard by the Planning Committee, so the applicant's agent can be heard to address points raised.

Conservation Officer – Comments dated 12th July 2018:

“Witcham Lodge is located in the Witcham Conservation area. The front elevation of the property fronts Headley Lane. The proposal seeks to add a two storey side extension in addition to the consented single storey extension on the east elevation. Headleys Lane consists of detached properties situated on generous plots with open vistas to the countryside beyond. The area is pleasantly characterised by trees, boundary walls giving a tranquil, sylvan appearance. The proposal looks to erect a two storey extension to the west elevation with a garage entrance with the single storey element stretching deep into the rear garden. The size of the proposal is considered to be excessive. Although the design of the proposal makes an attempt to be sympathetic in terms of roof profile and window details, materials, the overall impact of the proposal is considered to have a detrimental effect on the character of the conservation by virtue of its scale and massing and would reduce vistas beyond by introducing additional built form. The depth of the single storey extension to the rear will become visible from the public domain if the present trees screening this elevation are not in leaf or need to be felled. This will erode to the detriment of the conservation area the green and sylvan character that is currently in place. The introduction of additional built form is not considered to make a positive contribution. New development in conservation areas should seek to preserve or enhance the character and appearance which this present proposal fails to achieve. For the reasons given above the proposal is not supportable as it would fail to comply with Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 and as support by section 12 of the NPPF.”

Local Highways Authority – Comments dated 24th May 2018: *“The highways authority objects to this application for the following reasons:*

1. *The proposed plans show that part of the building is to be constructed on the adopted highway. Unless or until this section of highway is stopped up consent cannot be granted for this area of highway to be built upon.*

The area of highway in question is the proposed utility room. Our records indicate that part of this is shown to be on adopted highway. I would also note that there is currently a gate constructed on this section of highway. I would recommend that the applicant contact the CCC Definitive Mapping team to resolve this issue.

2. *The access is unsatisfactory to serve the proposed development by reason of its inadequate width and the proposal would therefore likely result in parking of vehicles on the highway and also the stopping and manoeuvring of vehicles on the highway to the detriment of highway safety.*

The proposed gates leading to the parking area is not wide enough for vehicles to use practically and the parking area shown is not large enough to complete the required manoeuvres to leave this area in either a forward or reverse gear.”

Local Highways Authority – Comments dated 10th Sept 2018 following amended plans – “I have no further objection or comment”

Trees Officer – Initial comments dated 31/05/2018:

“I recommend we seek an Arboricultural Impact Assessment to provide information upon the trees and the root protection areas, to ensure that the development can be successfully achieved without damage to the trees to be retained.”

Trees Officer – Comments dated 16/07/2018 following submission of the Arboricultural Impact Assessment: *“Having seen the Arboricultural report dated 21st July 2018, I can confirm that the Root Protection Area circles within the Tree Constraints Plan do not appear to align with the center of the tree plot points. This raises concerns regarding the validity of the report.”*

5.2 Neighbours – 3 neighbouring properties were notified and the responses received are summarised below. A full copy of the responses are available on the Council’s website.

1 MARKET WAY – Supports the application. Stating that the proposal is visually appealing and the roof terrace is a good idea.

WITCHAM HOUSE – Raises following concerns with regards to:

- Overlooking from the proposed balcony and windows in the rear of the garage.
- Building near to their mature Lime Trees needs to be carefully considered.
- Location of proposal does not follow legal boundary
- Building right up to the boundary isn’t ideal and will require a party wall agreement.

5.3 A site notice was displayed on a telegraph pole on the High Street on 3rd May 2018. A further site notice was displayed on 17 August 2018 and the proposal was advertised in the Cambridge Evening News on the 23rd August 2018.

6.0 The Planning Policy Context

6.1 East Cambridgeshire Local Plan 2015

ENV 1 Landscape and settlement character
ENV 2 Design
ENV 7 Biodiversity and geology
ENV 11 Conservation Areas
COM7 Transport Impact
COM 8 Parking provision
GROWTH 2 Locational strategy

6.2 Supplementary Planning Documents

Design Guide

6.3 National Planning Policy Framework 2018

- 2 Achieving Sustainable Development
- 12 Requiring good design
- 16 Conserving and enhancing the historic environment

6.4 Submitted Local Plan 2017

- LP3 The Settlement Hierarchy and the Countryside
- LP22 Achieving Design Excellence
- LP17 Creating a Sustainable, Efficient and Resilient Transport
- LP27 Conserving and Enhancing Heritage Assets
- LP28 Landscape, Treescape and Built Environment Character, including Cathedral Views
- LP30 Conserving and Enhancing Biodiversity and Geodiversity

7.0 **PLANNING COMMENTS**

7.1 The key issues to be considered in the determination of the application are:

- The principle of development
- Impact on the character and appearance of the conservation area
- Impact on residential amenity
- Highways
- Trees/Ecology

7.2 **The Principle of Development**

7.2.1 The site is located outside the development envelope of Witcham and inside the Conservation Area of Witcham. The principle of the erection of a side extension has been established with planning approvals 16/00545/FUL & 16/01201/FUL, for a smaller scheme at 1st floor. The proposed application is for a similar development, but larger 1st floor, various internal alterations and inclusion of a large 1st floor balcony area.

7.2.2 A southern single storey side extension/sun lounge room has already been established under planning application 16/01202/FUL approved on 24th November 2016, which will increase the width of the building to the southern side elevation.

7.3 **Impact on the character & appearance of the Conservation Area**

7.3.1 Policy

Policies ENV1, ENV2 and ENV11 of the East Cambridgeshire Local Plan 2015 and Policies LP22, LP27 and LP28 of the Submitted Local Plan 2017 requires that any development should take care to preserve or enhance the character and appearance of the Conservation Area and not have a detrimental impact. Also Section 16 of the National Planning Policy Framework (2018) requires that if there is any harm caused, it must be outweighed by public benefit.

7.3.2 Proposal

The proposal is to erect a two storey side (northern) extension with a single storey garage and workshop behind, using external black featheredge timber cladding and slate roof tiles. The front and side elevation of the proposed development will be visible from the streetscene of Witcham Conservation Area, especially during the winter months, when vegetation is not in leaf.

7.3.3 The site is located outside the development envelope of Witcham and inside the Conservation Area of Witcham. The principle of the erection of a side extension and garage plus workshop has been established under planning approvals 16/00545/FUL & 16/01201/FUL. The current application is for a similar side extension, but with a larger 1st floor, various internal alterations and the inclusion of a large 1st floor balcony area.

7.3.4 Northern Side Two Storey Extension

The Conservation Officer has objected to the proposed development stating that the Headleys Lane consists of detached properties situated on generous plots with open vistas to the countryside beyond. The area is pleasantly characterised by trees, boundary walls giving a tranquil, sylvan appearance. The size of the proposal is considered to be excessive. Although the design of the proposal makes an attempt to be sympathetic in terms of roof profile and window details, the overall impact of the proposal is considered to have a detrimental effect on the character of the conservation by virtue of its scale and massing and would reduce vistas beyond by introducing additional built form. The depth of the single storey extension to the rear will become visible from the public domain if the present trees screening this elevation are not in leaf or need to be felled. This will be to the detriment of the conservation area, which has green and sylvan character that is currently in place. The introduction of additional built form is not considered to make a positive contribution. New development in conservation areas should seek to preserve or enhance the character and appearance which this present proposal fails to achieve. For the reasons given above the proposal is not supportable as it would fail to comply with Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 and as support by section 16 of the NPPF. The case officer accepts and agrees with the majority of the conservation officer comments, however, it is noted that a similar ground floor and smaller 1st floor has already been approved under planning permission 16/00545/FUL & 16/01201/FUL, so the vista beyond has already been partially removed. With the current application the proposed 1st floor level is much greater in terms of scale and mass and previous approvals, which is causing less than substantial harm to the character of the conservation area, with no public benefit. Both local and national policy is clear that this application should be refused.

7.3.5 Materials

The current approved northern side extension under 16/00545/FUL & 16/01201/FUL proposes materials (including brickwork) to match the host building. Also the approved southern side extension/sun lounge room, also proposes brick work to match the existing dwelling. However, the current application proposes black timber featheredge boarding for the external surfaces rather than brickwork to match existing, as per previous approved applications, which will be out of keeping with the existing building, and local area. Especially as black timber featheredge

boarding is more associated with barns, rather than dwelling construction, which will erode the positive contribute that the current building has in the conservation area. As such the use of black timber featheredge boarding would be out-of-keeping with the host building and have less than substantial harm on the conservation area.

7.3.6 Summary

Therefore over all the proposed northern side extension would have a negative impact to the conservation area with no public benefit, so fail to comply with Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990, as support by section 16 of the NPPF and contrary to Policies ENV1, ENV2 and ENV11 of the East Cambridgeshire Local Plan 2015 and Policies LP22, LP27 and LP28 of the Submitted Local Plan 2017.

7.3.7 If the application is to be approved, the case officer recommends that a condition be added to require further details of external materials.

7.4 Residential Amenity

7.4.1 Policy

Policy ENV2 of the adopted East Cambridgeshire Local Plan 2015 and Policy LP22 of the Submitted Local Plan 2017, require proposals to ensure that there are no significantly detrimental effects on the residential amenity of nearby occupiers.

7.4.2 Northern Side Extension - balcony

Concern has been raised by the neighbour that the proposed 1st floor balcony area and rear windows of the garage and workshop will cause overlooking concerns. The ground floor windows will provide a certain amount of overlooking to the neighbour, but considering the low level of the windows and that they only facilitate light to the garage and workshop area, will not have a detrimental residential amenity impact.

7.4.3 However, the proposed large terrace at first floor level raises detrimental overlooking concerns to the neighbour's (Witcham House) private amenity space, as the front (eastern elevation) of the terrace will be immediately adjacent to the neighbours boundary (within 1m) and in close proximity (approx. 9m) to the private rear garden, which is contrary to the East Cambridgeshire Design Guide. An attempt has been made to resolve this overlooking concern, with the addition of privacy screening (Mobilane Green Screen) attached to the north elevation railings added on amendment dated 21st July 2018, but this does not go far enough to resolve the overlooking concerns at the eastern side of the terrace. The neighbour (Witcham House) has a 2m high conifer hedge that provides a level of privacy screening to their private rear garden area, but this cannot be relied upon to be retained. As such, if this hedge is removed the proposed 1st floor terrace area will be within close proximity and have unacceptable overlooking to the private garden space of Witcham House. This will cause a detrimental impact to the neighbour's privacy. Even though the proposed extension is within close proximity to the neighbouring boundary, the single storey flat roofed nature does not cause a detrimental overbearing impact. Therefore on balance the proposal is contrary to Policy ENV2 of the adopted East Cambridgeshire Local Plan 2015 and Policy LP22 of the Submitted Local Plan 2017, due to the significant harm to residential amenity.

7.5 Highways/Parking

7.5.1 Policy

Policies COM7 and COM8 of the East Cambridgeshire Local Plan 2015 and Policies LP17 and LP22 of the Submitted Local Plan 2017, require proposals to supply adequate parking and seek to protect highway safety, including access to the highway.

7.5.2 Proposal

The proposal has a recessed vehicle entrance (3.3m wide), which leads to garage doors (3m wide) that open inwards to the ground floor garage area with parking for two cars. The existing driveway current provides a large parking area with enough parking space for two vehicles and some manoeuvring room. The original proposal was for a 2.5m wide garage entrance, which was increased to 3m on the amended plans of the 21st July 2018.

7.5.3 The Highways Authority objected to the original proposal on the following grounds:

- part of the proposal is on the adopted highway and as such this issue will need to be resolved.

- the access is unsatisfactory to serve the proposed development by reason of its inadequate width and the proposal would therefore likely result in parking of vehicles on the highway and also the stopping and manoeuvring of vehicles on the highway to the detriment of highway safety.

- The proposed gates leading to the parking area is not wide enough for vehicles to use practically and the parking area shown is not large enough to complete the required manoeuvres to leave this area in either a forward or reverse gear.

7.5.4 The applicant has applied for 'stopping up' of the section of public highway that part of this proposal would be constructed on, which will remove the obstruction of public highway concern. Highways are not objecting any more, but the progression of the 'stopping up' application is not known at this time. There may be an update of this application for members at the time of the committee.

7.5.5 The case officer accepts the Highways Authority comments and notes that the revised plans (21st July 2018) resolve the garage width concern, providing more room for manoeuvring. It is also noted that the revised plans now provide similar ground floor parking, manoeuvring and visibility to the already approved planning applications 16/00545/FUL & 16/01201/FUL, which have a similar ground floor scheme, but without a garage door. Two car parking spaces will be retained as part of the current proposal and the revised plans show a more acceptable manoeuvring and entrance width. Therefore the proposal accords with Policies COM7 and COM8 of the East Cambridgeshire Local Plan 2015 and Policies LP17 and LP22 of the Submitted Local Plan 2017.

7.5.6 If the application is to be approved, the case officer recommends that a condition be added that retains the garage doors distance from the highway is maintained and a

condition to remove permitted development rights to construct gates across the entrance adjacent to the highway.

7.6 Impact on the Trees

- 7.6.1 There are mature trees in the neighbouring grounds of Witcham House located in close proximity to the proposed development. The neighbour at Witcham House has raised concern that the trees might be effected by the proposed development and the Tree Officer has also raised similar concerns, so requested an Arboricultural Impact Assessment. An Arboricultural Impact Assessment was submitted as part of the application on the 3rd July 2018, which states that the proposal will have an incursion onto the route protection zone of the nearest large tree (approx. 2.7m), but as long as no root severance is involved, the roots within the encroached section should decline gradually and may cause only some crown die back.
- 7.6.2 The case officer notes that an application 16/01374/TRE was granted on 3rd November 2016 for the felling of various trees in close proximity to the boundary with the application site, which is due to expire on the 3rd November 2018. It has therefore been established that the loss of these trees is acceptable, even though some of the works may not yet have been performed. The nearest Lime tree (marked T1 on the Tree Constraints Plan from the Arboricultural Impact Assessment) was still in place during the site visit and the owner of the tree has raised concern regarding the proposal impact on this tree. Therefore whilst the Lime tree has permission to be felled, this is not in the control or ownership of the applicant, so the developer can't cause damage to trees that are not in the applicants control.
- 7.6.3 A concern has been raised by the neighbour that the proposed development should not have an adverse impact on the adjacent trees. The Tree Officer's initial comments were that due to the close proximity of the trees (all within the conservation area) an Arboricultural Impact Assessment, should be submitted. Following these comments the agent submitted an Arboricultural Impact Assessment on the 3rd July 2018. The Tree Officer has examined the submitted Arboricultural Impact Assessment and has raised concerns with regards to the validity of the report due to Root Protect Area (RPA) circle map errors (off centre). This concern was raised with the agent who has received confirmation from the report creators that they are satisfied the RPAs are accurate.
- 7.6.4 Summary
The case officer accepts and agrees with the Tree Officer comments that the applicant has not submitted a sufficiently accurate Arboricultural Impact Assessment to demonstrate that the proposal will not adversely affect the neighbouring trees, so is contrary to Policy ENV7 of the East Cambridgeshire Local Plan and Policy LP30 of the Submitted Local Plan 2017, which requires proposals not to adversely affect the treescape and preserve biodiversity.
- 7.6.5 If the application is to be granted the case officer recommends a condition to be added that protects the roots of the nearby trees.

7.7 Other Material Matters

7.7.1 If Members are minded to approve the application, a materials condition, highways safety conditions and tree protection conditions should be applied to the decision.

7.8 Planning Balance

7.8.1 The proposed two storey side extension with single storey garage and workshop behind, plus a 1st floor balcony does provide two car parking spaces, meets highway safety standards and is considered possible to construct. However, this is out-weighted by the significant and demonstrable harm to the residential amenity of the neighbour (Witcham House), and the harm to the visual amenity of the host building, which will cause less than substantial harm to the character of the surrounding conservation area, with no public benefit. Additionally the applicant has not sufficiently demonstrated that the proposal will not adversely affect the neighbouring trees. The proposal is therefore contrary to Section 16 of the National Planning Policy Framework (2018), Policies ENV1, ENV2, COM7, COM8 and ENV11 of the East Cambridgeshire Local Plan 2015 and Policies LP17, LP22, LP27 and LP28 of the Submitted Local Plan 2017. It is therefore recommended that the members REFUSE the proposal, as defined in paragraph 1.1 of this report.

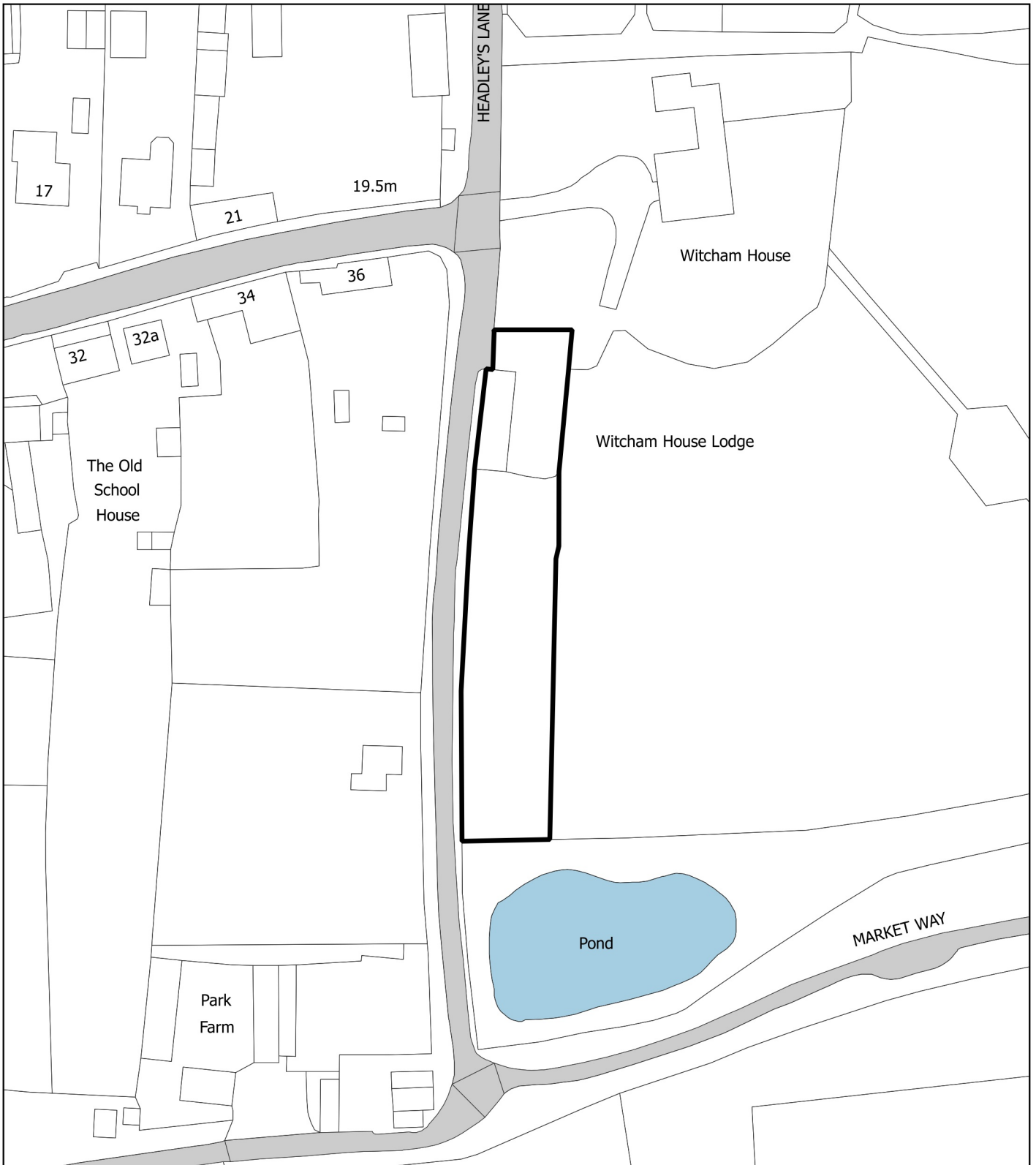
<u>Background Documents</u>	<u>Location</u>	<u>Contact Officer(s)</u>
18/00531/FUL	Chris Hancox Room No. 011 The Grange	Chris Hancox Planning Officer 01353 665555 chris.hancox@eastc amb.s.gov.uk
16/00397/FUL	Ely	
16/00545/FUL		
16/01201/FUL		
16/01202/FUL		

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.eastcamb.s.gov.uk/sites/default/files/Local%20Plan%20April%202015%20-%20front%20cover%20and%20inside%20front%20cover.pdf>



18/00531/FUL

Witcham Lodge
Headleys Lane
Witcham



East Cambridgeshire
District Council

Date: 07/09/2018
Scale: 1:1,000



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MAIN CASE

Reference No: 18/00770/FUL

Proposal: Loft conversion and rear extension

Site Address: 33 Cambridge Road Ely Cambridgeshire CB7 4HJ

Applicant: Mr S Paragon

Case Officer: Catherine Looper, Planning Officer

Parish: Ely

Ward: Ely East
Ward Councillor/s: Councillor Richard Hobbs
Councillor Lis Every

Date Received: 7 June 2018 **Expiry Date:** 04/10/2018

[T102]

1.0 **RECOMMENDATION**

- 1.1 Members are recommended to APPROVE the application subject to the recommended conditions below. The conditions can be read in full on the attached appendix 1.
1. Approved Plans
 2. Time Limit
 3. Materials
 4. PD- Restriction – Windows
 5. PD- Restriction – Extensions
 6. Obscure glazing

2.0 **SUMMARY OF APPLICATION**

- 2.1 The application seeks consent for a single storey rear extension and loft conversion, including a dormer window to the rear aspect of the roof. The application also seeks an alteration to the pitch of the roof at the rear of the dwelling, which will extend the side elevation of the rear element of the dwelling by 1.3m. The proposed single storey rear extension would bring the side elevation of the dwelling closer to the south boundary of the site, and would extend the ground floor level by 4m further into the garden area.
- 2.2 The full planning application, plans and documents submitted by the Applicant can be viewed online via East Cambridgeshire District Council's Public Access online

service, via the following link <http://pa.eastcambs.gov.uk/online-applications/>.
Alternatively a paper copy is available to view at the East Cambridgeshire District Council offices, in the application file.

2.3 The application has been called into Planning Committee by Councillor Richard Hobbs.

3.0 PLANNING HISTORY

00/00613/FUL	Extension to rear forming utility room	Approved	01.09.2000
17/01395/FUL*	Loft conversion, dormer window and rear extension	Refused	08.06.2018

*Please note application 17/01395/FUL was approved at Planning Committee on 4th January 2018. The application was then subject to Judicial Review and the decision was quashed. Following this the application was presented to Committee again and refused on 8th June 2018.

4.0 THE SITE AND ITS ENVIRONMENT

4.1 The site is located within the Conservation Area of Ely and comprises a two storey detached dwelling constructed from red brickwork with a large bay window and recessed porch to the front aspect. The dwelling has white arches and cills around the windows, and a white archway above the recessed porch. The property is under an Article 4 Direction which restricts development permitted under Classes A, C, D, F(a) of Schedule 2 Part 1, and Classes A and C of Schedule 2 Part 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015. Cambridge Road is characterised by large dwellings which are positioned closely together. The dwellings are generally set back from the public highway with a small amenity space to the front.

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.

Consultee For Other Wards In Parish - No Comments Received

Senior Trees Officer - I have no concerns in relation to this proposal as we have recently approved an application for trees near the property for removal, therefore I do not perceive a tree impact.

Parish – The City of Ely Council recommends refusal of this application on the grounds of a number of large windows to the rear of the property, which will overlook the neighbouring properties and cause a loss of privacy. Another piece of

land is identified as a parking area, but members believe that this was refused planning permission to be used as off-street parking. It was felt the amendments did not address the Council's concerns.

Conservation Officer – The conservation area appraisal has described Cambridge Road as a residential street with mainly large and imposing dwellings running the whole length of the road. The number of substantial buildings give this part of the city a dignified and welcoming entrance to the historic city. There is no predominant materials found in this part of Cambridge Road other than a variety of gault and red brick as walling materials and slate and tile for roofing materials. The character of the area therefore is given over to large villas of no particular style but dating from 19th and 20th century.

The proposed single storey rear extension is considered to be designed to have minimal impact on the character of the conservation area given its flat roof profile which will cause no harm to the character and appearance of the conservation area. The rear building line of this row of villas already stretches deep into the rear gardens. However, there could be scope for upstand on the roof light to be reduced.

The extension will hardly be visible from the public domain between number 33 and 35 given the view is at an oblique angle from the public roadway.

The view from the opposite direction walking down Cambridge Road from numbers 27 towards 31a and with views into the rear of 33 are considered not to cause harm to the character and appearance of the conservation area especially set against the current soft landscaping.

Arguably the current car parking to the side of 31a and to the front of 31 has a more impact on the character and appearance of the conservation area than the proposed single storey rear extension.

- 6.2 A site notice was posted on 8th May 2018 and an advert was placed in the Cambridge News on 10th May 2018.
- 6.3 Neighbours – Six neighbouring properties were notified by post and the responses received from three properties are summarised below. A total of five responses have been received. A full copy of the responses are available on the Council's website.

Residential Amenity

- The increase in built form is overbearing on neighbouring occupiers.
- The proposals will increase overlooking to neighbouring occupiers.
- Neighbouring properties will have an outlook of brick walls.
- The orientation of the houses means that rear elevations face each other.
- The proposals will create overshadowing.
- The drawings show the intervisibility of the windows to the rear.
- The proposals will create a feeling of enclosure to neighbouring occupiers.

- An increase in the height of the fence will have a major impact on the neighbouring garden as it will be increasingly enclosed.
- The plans do not show that the obscure glazed sections of the ground floor windows will be fixed shut and does not prevent overlooking.
- The proposal will create a 12m long façade along the boundary with neighbouring occupiers.

Visual Amenity

- The houses in this area contribute to the distinctive character of settled peace and have sufficient outdoor space. The proposal removes a significant fraction of the house's garden area and undermines the character of the whole group.
- The proposal would create overdevelopment of the plot and is out of scale.
- To build a further extension albeit that this is single storey will be an ugly addition to the present building.

Conservation Area

- There are no changes to the proposals which mean the assessment is any different, and as such would again fail to adhere to the guidance within the NPPF where harm to both designated and undesignated Heritage Assets needs to be weighed against any public benefits from the development proposals.

Parking

- Parking is an issue in the area already.
- The change of garden space to parking space is contrary to policy and regulation.
- The land identified for parking exits onto Cambridge Road over the pavement in a dangerous location between parked cars and a cul-de-sac.

Other Matters

- The house is used as a House of Multiple Occupancy.
- Additional rooms will be rented out.
- The house does not have the relevant planning permissions to be used as an HMO.
- There is no planning permission for the use of the conservatory as a separate dwelling house.
- The only time that occupancy levels have dropped is during the planning application periods.
- The use as an HMO is contrary to regulations.
- The unlawful use of the house has a detrimental impact on neighbouring occupiers.
- Neighbours already experience a greater level of disturbance than would be expected from a conventional family home.
- The nature and use of rooms are all living and sleeping areas.
- Increasing the occupancy of the house will impact on neighbouring occupiers.
- The proposals appear to be maximising the available floor area.

- There is no guarantee that the 2m fence will remain in place as it would be detrimental to daylight in 33 Cambridge Road.
- A secondary fence would prevent maintenance of the existing fence.
- The proposal presents a fire risk to neighbouring properties due to the proximity.
- The proposals create a 21m long narrow dark alleyway adjacent to Number 35. The flat roof extension also provides easy access to neighbouring gardens. These points are not addressed by this application.

6.0 The Planning Policy Context

6.1 *East Cambridgeshire Local Plan 2015*

ENV 2 Design

ENV 11 Conservation Areas

6.2 *Supplementary Planning Documents*

Design Guide

6.3 *National Planning Policy Framework 2018*

12 Achieving well-designed places

16 Conserving & enhancing the historic environment

6.4 *Submitted Local Plan 2017*

LP27 Conserving and Enhancing Heritage Assets

LP22 Achieving Design Excellence

7.0 PLANNING COMMENTS

- 7.1 The previous application 17/01395/FUL was refused at Planning Committee on 8th June 2018 on four grounds. The current application has been submitted to try to overcome those four reasons for refusal and this will be addressed throughout the report. The main changes included the removal of the Juliet balcony to the rear at first floor level, the removal of the vertical element of the first floor side windows and rooflights, and the removal of one window at ground floor in the side elevation.
- 7.2 It should be noted that the application has been subject to amendments since it was first received which include a reduction in the width of the ground floor extension and the obscure glazing of upper panes in side-facing windows.
- 7.3 The main considerations are the impact the proposal may have on the residential amenity of nearby occupiers and the impact it may have on the visual appearance and character of the Conservation Area.

7.4 Residential Amenity

- 7.5 Policy ENV2 of the East Cambridgeshire Local Plan 2015 and policy LP22 of the Submitted Local Plan 2017 require that proposals should ensure that there are no significantly detrimental effects on the residential amenity of nearby occupiers.
- 7.6 The proposed ground floor extension would protrude into the garden by 4 metres from the rear elevation and increase the width of the ground floor of the rear protruding element. This would feature a flat roof, with a maximum height of 2.9m and would leave a gap of 1.8m between the rear extension and the south boundary. Windows are proposed in the south elevation at ground floor level, which face Number 35, however the upper panes of these windows would be obscure glazing to prevent overlooking. It is considered necessary to secure this as a condition and also that the upper panes will be fixed shut, leaving the lower panes to be openable. It should be noted that the number of windows in the ground floor side elevation has been reduced from three (in application 17/01395/FUL) to two in the current application.
- 7.7 At first floor level, the rear extension widens the existing first floor element by approximately 1.3m, and the pitch of the roof has changed accordingly. This is to provide larger bathroom areas and a wider bedroom area. The applicant proposes velux rooflights in the south elevation at first floor level. This will prevent significant overlooking to neighbouring occupiers. The proposed alterations to the first floor will reduce the space between the dwelling and the neighbouring occupier to the south, however this will be by approximately 1.3m and is not considered sufficiently harmful to residential amenity to warrant refusal of the application. The extension has been designed to continue the slope of the roof and does not involve the erection of a full height wall at first floor level. Since the previous application, the agent has removed the vertical windows at first floor level in the side elevation and only proposes rooflights. The previous Juliet balcony has also been removed from the plans, and the existing window remains.
- 7.8 The application also includes the introduction of a box dormer window to the rear roof slope. This measures 4.7m in width and features three panes. This will create an increased level of overlooking, but this is not considered to be significantly detrimental to residential amenity due to the existing presence of windows at the rear of the dwelling which already allow views into neighbouring gardens. The potential for additional windows in the future can be controlled by condition, to prevent overlooking impacts on neighbouring residential dwellings.
- 7.9 The single storey element of the proposed extension features a flat roof with a maximum height of 2.9m. This is set back from the south boundary line by approximately 1.8m. While the uppermost part of the proposed extension would be visible above the boundary fencing, this is not considered to be significantly overbearing or create a loss of light to the adjacent neighbour, due to its position north of the neighbouring dwelling at Number 35. The proposed extension at first floor level increases the width of the proposed extension by approximately 1.3m. The existing pitch of the roof would be extended down to cover the short extension to the side, and would finish approximately 2.7m from the boundary line. The small extension to the first floor section of the property will be visible from the neighbouring dwelling of Number 35 but is not considered to be significantly

overbearing or create a loss of light which is detrimental to neighbouring occupiers' quality of life. It should be noted that under permitted development a boundary fence could be erected up to 2m in height.

- 7.10 Concerns have also been raised about the level of overlooking created by the proposal, and the amount of overbearing and sense of enclosure. Neighbours are concerned that adjacent gardens will be overlooked, resulting in a loss of privacy and enjoyment. There are also concerns that the side-facing windows will completely overlook neighbouring gardens. There are two existing side-facing windows at first floor level, one of which is inter-visible glass, and it is proposed to replace these with three velux rooflights in the roof slope. The plans show these windows are to serve bathrooms and a bedroom. The use of rooflights is considered sufficient to prevent significant levels of overlooking as the cill height would be located at a minimum of 1.7m above floor level, to protect residential amenity.
- 7.11 There are concerns that the ground floor extension is significant and will result in a new 13m long façade. Comments have been received to say that the extension is very dominant and will increase the feeling of enclosure to neighbouring properties. There are also concerns that the extensions would dominate the outlook from neighbouring windows due to the proximity to the boundary. As set out in paragraph 7.5, the single storey element of the proposed extension features a flat roof with a maximum height of 2.9m, which is set back from the boundary by approximately 1.8m. While the uppermost part of the proposed extension would be visible above the boundary fencing, this is not considered to be significant enough to cause overbearing or contribute to an increased sense of enclosure to neighbouring properties. The proposed windows would be positioned behind the boundary fencing, and the upper panes of these windows would be obscure glazing, limiting direct views of the neighbouring property. A condition can be imposed to ensure that these remain obscurely glazed in perpetuity and also that only the lower panes are openable. The extension at first floor level would increase the width of the first floor element by 1.3m, and the existing roof pitch would be lengthened accordingly to accommodate this increase. This extension is not of a scale that would significantly increase the level of overbearing or sense of enclosure created by the existing house. Neighbours are concerned that the proposals would remove any distance outlook from their properties and leave only short distance outlooks. Due to the existing two-storey element of the dwelling, certain views from neighbouring properties are restricted at present. The proposed extension to the first floor element is small in scale and is not considered to worsen the relationship between the dwelling and neighbouring properties. There are existing windows at first floor level which overlook neighbouring gardens, not only in the host dwelling but also other dwellings within the vicinity, and therefore the addition of a dormer window to the roof slope is not considered to significantly increase this level of overlooking. The Supplementary Planning Document, Design Guide, recommends that rear inter-visible windows should be a minimum of 20m in distance apart. The rear elevation of the proposed extensions is approximately 25m from the rear boundary of the property and therefore this accords with the Design Guide SPD.
- 7.12 Neighbours have raised concerns that the increase in height of boundary fencing would create an increased feeling of enclosure. It should be noted that a fence of

up to 2m could be installed under permitted development. Concerns have been raised that the proposal creates a narrow alleyway between the properties and that this creates a security risk. Neighbours are also concerned that the flat roof element of the extension will also allow access to neighbouring properties. The private security of dwellings, including access to private gardens, is not a matter that would influence a planning decision and is a private matter for property owners to manage.

7.13 Visual Amenity

7.14 The proposed alterations to the dwelling will not be highly visible from the public highway of Cambridge Road as only the northern elevations of the dwelling are visible. The length of the rear element at first floor level is not being increased, and views of the ground floor extension would be limited by the boundary treatments of the property and the neighbouring property at Number 31a. The application form states that materials will be used which match the original dwelling, and therefore the proposal will not appear uncoordinated.

7.15 Concerns have been raised during the neighbour consultation regarding the visual impact of the proposal. These concerns include that the properties in the vicinity have a distinctive form and character, and the proposals would remove a significant fraction of the house's garden, preventing this from being used as an outdoor amenity and undermining the character of the whole group of properties. The concerns state that proposed extensions would feel crowded and out of scale in the setting of the neighbouring properties, and that the proposals are out of context with a conventional C3 or C4 home. Neighbours have commented that all similar properties have been extended at single storey level, but not the full width of the house, which has maintained the spacing and openness for neighbours. It was noted by neighbours that Number 33 is the only house to have already been extended beyond the others at 2 storey scale, and is dominant over neighbouring properties. The rear private amenity space of Number 33 is still over 50m² and remains in accordance with the Design Guide SPD. While the design of the extension to the rear of Number 33 is different to other dwellings in the vicinity, the layout of the proposed works at first floor would not be significantly dissimilar to neighbouring properties. Neighbours dispute that the proposed works would not be seen from the public highway, and say that these would be clearly visible in the gap between the Numbers 33 and 35. The proposed extension at ground floor level would be set in the from the side elevation of the existing dwelling and while this may be partially visible from certain aspects when viewed from Cambridge Road, these views are minimal and would not significantly alter the appearance of the dwelling within the street scene.

7.16 Historic Environment

7.17 Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 gives Local Authorities a general duty to pay special attention to the desirability of preserving or enhancing the character or appearance of Conservation Areas.

7.18 Policy ENV11 of the Local Plan and policy LP28 of the Submitted Local Plan 2017 require that development proposals within Conservation Areas be of a particularly high standard of design and materials. When assessing the impact of a proposed

development on a heritage asset, the more important the asset, the greater weight should be. For example, a Grade I, Grade II*, or a Grade II listed building should be afforded greater weight than a conservation area. The NPPF states that “Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.”

- 7.19 The Conservation Area Appraisal has described Cambridge Road as a residential street with mainly large and imposing dwellings running the whole length of the road. The number of substantial buildings give this part of the city a dignified and welcoming entrance to the historic city. There is no predominant materials found in this part of Cambridge Road other than a variety of gault and red brick as walling materials and slate and tile for roofing materials. The character of the area therefore is given over to large villas of no particular style but dating from 19th and 20th century.
- 7.20 The heritage asset in relation to this application is the Ely Conservation Area. It is considered that the proposed extensions would not impact on the significance of this heritage asset (Ely Conservation Area) and this is concurred with by the Conservation Officers comments, who in their view states that most of the proposal will not be visible from the public domain. They consider the proposal to be acceptable and not to have a detrimental impact on the significance, character and appearance of the Conservation Area. They have advised that the proposals satisfy the provisions of Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 the aims of Section 16 of the NPPF
- 7.21 The proposal would be sympathetic to the surrounding area and the street scene in terms of the materials proposed and will not be highly visible from the street scene of Cambridge Road. Officers consider that the proposal will not lead to substantial harm or the loss of significance of the heritage asset. The proposed demolition of the conservatory is considered acceptable and a benefit as it has no architectural, historic or visual significance. In contrast, the proposal comprises a high standard of design and materials in order to preserve the character of the conservation area as stated within policy ENV11 of the Local Plan, 2015 which is a further benefit. Views of the proposed works from the heritage asset will not be evident or will only be limited, due to the location of the extensions, and the existing 2 storey element in situ, boundary treatments and the positioning/location of the dwelling in the conservation area. In view of this it is considered that there would no harm to the conservation area so there is no requirement to weigh the public benefits against any harm.
- 7.22 Highway Safety
- 7.23 Concerns have been raised during the neighbour consultation regarding the parking arrangements for the property. The proposal is for extensions to the property and therefore is not required to provide additional parking provision. Concerns have been raised that the area of land outlined in red to the north of the dwelling is not a parking area owned by the applicant, however the applicant has stated that they own the land. Further concerns have been raised regarding the use of the property and that this may be used as an HMO. Neighbours have objected to the extension of the property as an increase to the living space provided may increase the

number of tenants and have a negative impact on the demand for parking in the area. The use of the property is for a C3/C4 dwellinghouse, and this has not been changed under a planning application. The proposals considered by this application are to an existing C3/C4 dwellinghouse, and additional parking provision would not be requested as part of an application such as this due to the existing parking situation. The use of the property has been raised with the Planning Enforcement Team as a separate matter and this is being investigated.

7.24 Neighbours have raised concerns that the parking shown on the plans exits onto Cambridge Road in a dangerous location and has no turning provision. Additional comments received state that the parking shown is only suitable for one large vehicle, and that parking on Cambridge Road is already a problem as it is on-street only. Further comments indicate that this area is actually garden land, and that the additional pressures on parking would have a significant negative public amenity impact. In any event, land ownership issues are not a material planning consideration and would not affect the determination of an application. The application does not propose parking or provide the necessary details for this to be considered, and therefore any grant of permission does not include permission for a new parking area.

7.25 Other Matters

7.26 A number of concerns have been raised by neighbours regarding the use of the property. These state that the property is used as an HMO and that by extending the property there is potential for subdivision of the property to increase tenants rooms and occupancy. Neighbour comments state that there is a separate dwelling unit in the form of the conservatory to the rear. Neighbours anticipate that the number of occupants will significantly increase. Neighbours are also concerned that additional accommodation will cause more noise pollution due to tenants coming and going at all times of the day and night. Neighbours have commented that the present level of occupancy is approximately 10, sometimes 13, and is broadly peaceful, but that the increase in accommodation mean that there could be 20 or more adults living in what is supposed to be a family home. In addition, it is noted that the occupants create a regular low level noise nuisance, but that the increase in occupancy will make this more frequent and troublesome. Neighbours have also commented that the impacts on the residential amenity of neighbouring occupiers is exacerbated by the manner in which the property is used, as rooms are used as bedsits, and that the use should be addressed as part of the application.

7.27 It should be noted that the lawful use of the property is for a C3/C4 dwellinghouse, and this has not been changed under a planning application. Therefore the proposals considered by this application are to an existing C3/C4 dwellinghouse which can accommodate not more than 6 residents as a HMO. The use of the property has been investigated previously and the applicant has been advised that no more than 6 residents can reside in the property.

7.28 Other concerns raised by neighbours include the relationship between the proposal and the neighbouring dwellings. These concerns discuss the close proximity of the proposed works to the neighbouring properties, and that this poses an increased

fire risk. The proposed extensions do not sit any closer to the neighbouring dwellings than the existing main body of the house.

7.29 The Public Sector Equality Duty is a consideration in planning applications to ensure the quality of life of people with additional needs is maintained. That duty, in section 149 of the Equality Act 2010, is to have due regard to the need to (i) eliminate discrimination and other prohibited conduct under the Act; (ii) to advance equality of opportunity between persons who share relevant protected characteristics and those who do not; and (iii) to foster good relations between such persons. The duty is to have due regard to these three aims. The impacts on the residential amenity of neighbouring occupiers, including at least one who may share relevant protected characteristics, has been considered at length in section 7.4 - 7.12 of this report and the Council has demonstrated due regard for the impacts of this proposal on such persons. In addition, it has been suggested that at least some of the current occupiers of the application property may also be persons who share relevant protected characteristics as defined in s149. However, given that the application, if approved, is likely to result in some improvements to the property with little or no identified detriment to such persons, it is considered that due regard has been had to the impact of the proposal on such persons.

7.30 Planning Balance

7.31 On balance, the proposal is considered to comply with both local and national planning policy and does not cause harm to the heritage asset which is Ely Conservation Area. The lack of parking weighs against the proposal, however this remains unchanged from the current arrangement. The proposal is not considered to create significantly harmful impacts to the neighbouring dwellings or on the visual amenity and character and appearance of the conservation area. On balance, this application is therefore recommended for approval.

8.0 APPENDICES

8.1 Appendix 1 – Recommended conditions

<u>Background Documents</u>	<u>Location</u>	<u>Contact Officer(s)</u>
17/01395/FUL	Catherine Looper Room No. 011 The Grange	Catherine Looper Planning Officer 01353 665555 catherine.looper@eastcambs.gov.uk
00/00613/FUL	Ely	

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

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

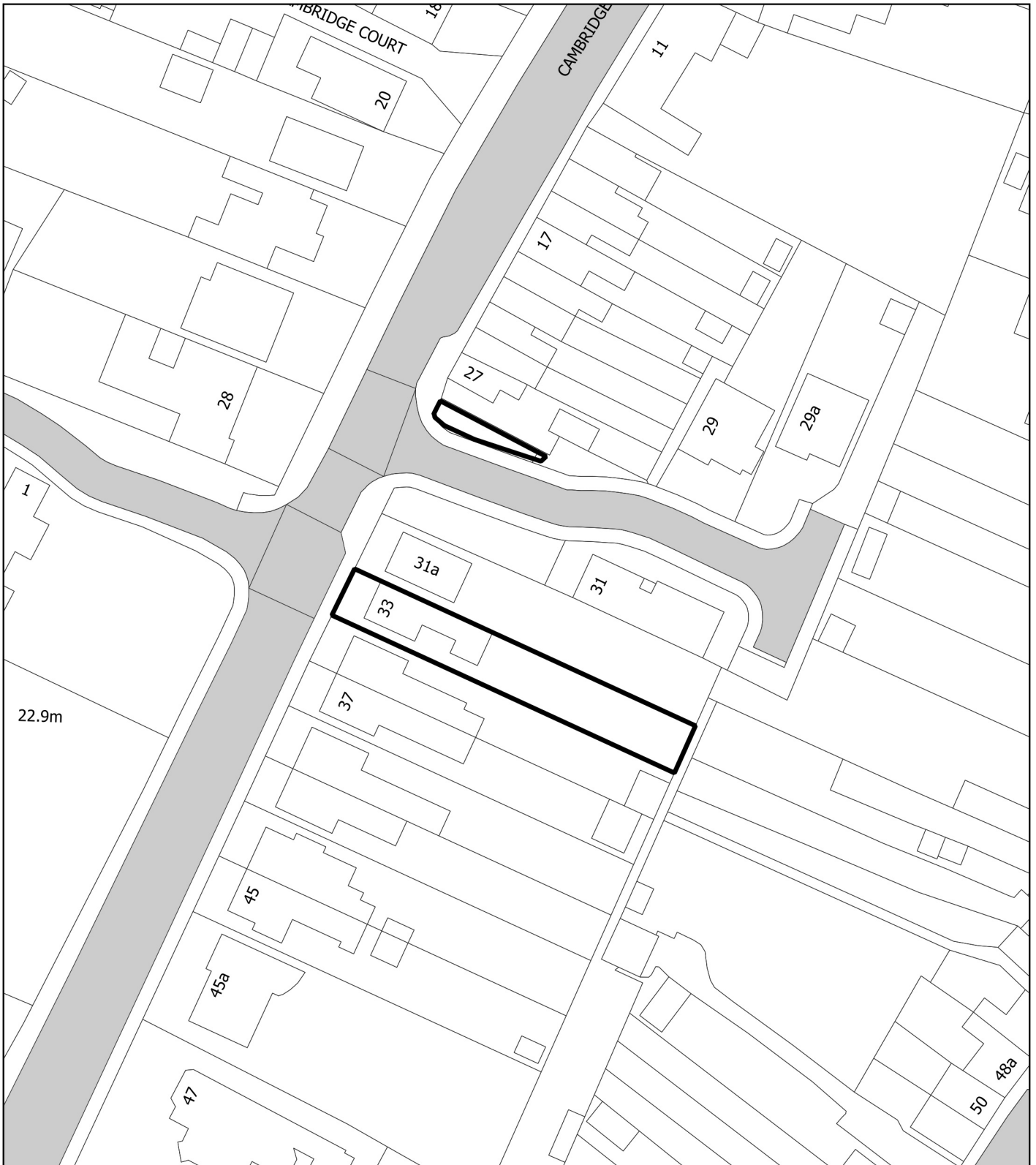
APPENDIX 1 - 18/00770/FUL Conditions

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

Plan Reference	Version No	Date Received
EDG/15/40/1G		8th August 2018
EDG/15/40/2A		7th June 2018

- 1 Reason: To define the scope and extent of this permission.
- 2 The development hereby permitted shall be commenced within 3 years of the date of this permission.
- 2 Reason: To comply with Section 91 of the Town and Country Planning Act 1990, as amended.
- 3 The materials to be used in the construction of the external surfaces, including walls, doors, windows and the roof, shall be as specified on the application form. All works shall be carried out in accordance with the approved details.
- 3 Reason: To safeguard the special architectural or historic interest, character and appearance and integrity of the Conservation Area, in accordance with policies ENV2 and ENV11 of the East Cambridgeshire Local Plan 2015 and LP22 and LP27 of the Submitted Local Plan 2017.
- 4 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development)(England) Order 2015 (or any order amending, revoking or re-enacting that Order), no windows, dormer windows, rooflights or openings of any other kind, other than those expressly authorised by this permission shall be constructed at first floor level or above in any elevations.
- 4 Reason: To safeguard the residential amenity of neighbouring occupiers, in accordance with policy ENV2 of the East Cambridgeshire Local Plan 2015 and LP22 of the Submitted Local Plan 2017.
- 5 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order amending, revoking or re-enacting that Order), the dwelling shall not be extended in any way, and no structures shall be erected within the curtilage of the dwelling.
- 5 Reason: To safeguard the residential amenity of neighbouring occupiers, in accordance with policy ENV2 of the East Cambridgeshire Local Plan 2015 and LP22 of the Submitted Local Plan 2017.
- 6 The upper panes in the ground floor side elevation (south) windows shall be obscure glazed and fixed shut. This shall remain in perpetuity. Only the lower panes, as shown in drawing EDG/15/40 1G received 8th August 2018 shall be openable and inter-visible glass.

- 6 Reason: To safeguard the residential amenity of neighbouring occupiers, in accordance with policy ENV2 of the East Cambridgeshire Local Plan 2015 and LP22 of the Submitted Local Plan 2017.



18/00770/FUL

33 Cambridge Road
Ely



East Cambridgeshire
District Council

Date: 07/09/2018
Scale: 1:750



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MAIN CASE

Reference No: 18/00774/FUL

Proposal: Demolition of barn and replacement with 3 detached dwellings and associated works.

Site Address: Millfields Stables Ltd Millfield Stables Mill Lane
Stetchworth Suffolk

Applicant: Ms K Bartlett

Case Officer: Oli Haydon Planning Officer

Parish: Stetchworth

Ward: Dullingham Villages
Ward Councillor/s: Councillor Chris Morris

Date Received: 7 June 2018 **Expiry Date:** 25th September 2018

[T103]

1.0 RECOMMENDATION

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

- 1 Approved Plans
- 2 Time Limit -FUL/FUM/LBC
- 3 Specified materials
- 4 Submission of remediation scheme
- 5 Implement of approved remediation scheme
- 6 Reporting of unexpected contamination
- 7 Construction Times
- 8 Boundary Treatments
- 9 Biodiversity Improvements
- 10 Foul and Surface water drainage
- 11 Hard landscaping scheme
- 12 Soft landscaping scheme
- 13 Parking and Turning
- 14 Access Drainage
- 15 Access Closure – Equine Use
- 16 Stable Yard Access

2.0 **SUMMARY OF APPLICATION**

- 2.1 The application seeks consent for the demolition of the existing barn at Millfields Stables and construction of three dwellings with associated works. The application is a resubmission of a previously refused application from November 2017. (17/01684/FUL).
- 2.2 The full planning application, plans and documents submitted by the Applicant can be viewed online via East Cambridgeshire District Council's Public Access online service, via the following link <http://pa.eastcambs.gov.uk/online-applications/>. **Alternatively a paper copy is available to view at the East Cambridgeshire District Council offices, in the application file.**
- 2.3 Cllr Chris Morris requested the application be called-in to Planning Committee due to the issues identified by the Parish Council.

3.0 **PLANNING HISTORY**

3.1

17/01684/FUL	Demolition of existing barn and construction of 3No detached dwellings and associated highways works	Refused	13.11.2017
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4.0 **THE SITE AND ITS ENVIRONMENT**

- 4.1 The application site is located outside the defined development envelope for Stetchworth, at the western end of Mill Lane. The site forms part of a wider equine operation associated with Millfields Stables with operating stables located to the south of the site and a barn to the northwest. Beyond the site to the north and west are open agricultural fields.

5.0 **RESPONSES FROM CONSULTEES**

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

Environmental Health – No objections subject to conditions relating to construction hours.

Asset Information Definitive Map Team - No Comments Received

Local Highways Authority – “The Highway Authority has no objections in principal to this application. The access arrangement that was submitted under refused application 17/01684/FUL is the same and I still don't understand the reason for south eastern gate arrangement but it would not have a severe impact on highways safety so I do not object. We would not seek to adopt the internal roads as they are not laid out to an adoptable standard. Footpaths 19 & 21 run along the entrance to the development access therefore I would suggest that the CCC RoW team are consulted”.

CCC Growth & Development - No Comments Received

Environmental Health (Scientific) – ‘The Contamination report finds that there is a risk from asbestos at the site and recommends safe removal of the asbestos followed by soil testing. I recommend that standard contaminated land conditions 2, 3 and 4 attached to any planning approval due to the proposed sensitive end use (residential).’

Ramblers Association South – “I thank you for consulting the Ramblers on this application affecting a public right of way, in this case both Stetchworth fps 19 and 21, to the south of the site and, possibly, outside the applicant’s ownership. In view of past experience of problems reaching Mill Lane on fp 19 from Stetchworth High Street, a visit has been made to the site to clarify the current situation and the footpath has been found to be tolerably as shown on the Definitive Map, the latter part now being within a narrow fenced strip, (unfortunately with nettles present at the moment). This footpath, like fp 21, almost opposite, arrives at a bulbous turning area, probably private, at the end of Mill Lane, which will also receive traffic from the current proposal, not expected to be more than at present The nearest of the proposed dwellings will be, perhaps, 30 to 40 metres from either footpath and, when compared with the barn to be demolished, the development is unlikely to adversely affect the enjoyment of users”.

Ward Councillors – Cllr Chris Morris requested the application be called-in to Planning Committee due to the issues raised by the Parish Council

Waste Strategy (ECDC) - Aside from informatives, the waste team requested clarification from the applicant or their agents regarding the collection point for waste and recycling for these properties.

Stetchworth Parish Council - Stetchworth Parish Council objects to this planning application on the following grounds:

- This is an overdevelopment of the site which is outside the village envelope. The Local Plan 2015 states that development in Stetchworth should be limited to infill sites. The road to the site is inadequate with no footpath and nowhere to put one. The junction with Mill Lane and Tea Kettle Lane is a dangerous junction on a school route.
- The Council also disputes the evidence provided on the application which states that the barn is redundant, and believes this information is misleading. The Council also has concerns that Planning Policy 2015 EMP1 (Retention of Existing Employment Sites & Allocations) and EMP 6 (Development Affecting the Horse Racing Industry) are potentially being breached. This development would mean that the stud is no longer a viable business as there would be a conflict between the stables and the proposed housing.
- Appendix B (*attached at end of committee report*) provided by the applicant contains a number of inaccuracies – please see attached document setting out the PC’s comments on these matters.
- The PC has asked District Cllr Chris Morris to call this application in to the Planning Committee for consideration if the application is being considered for approval by the Planning Officer.

5.2 **Neighbours** – 13 neighbouring properties were notified, a site notice was posted and an advert was placed in the Cambridge Evening News and the seven responses received are summarised below. A full copy of the responses are available on the Council’s website.

- Mill Lane is narrow with no footpath
- Cars park on the lane leaving it very narrow
- Major construction disruption
- Disruption to utilities
- Questions over the apparent unviability of the stud
- Would set a precedent for development nearby
- Barn is not redundant
- Would add traffic to the lane
- Character of area is one of equine uses
- Junction onto Tea Kettle Lane is dangerous
- Does not confirm to policies
- Stud was purchased knowing size
- Facility would be viable to other small breeders
- Road is poorly lit
- Pressure on water and drainage systems
- Stetchworth is not well served by public transport

6.0 **The Planning Policy Context**

6.1 East Cambridgeshire Local Plan 2015

ENV 1	Landscape and settlement character
ENV 2	Design
ENV 7	Biodiversity and geology
HOU 2	Housing density
COM 7	Transport impact
COM 8	Parking provision
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
EMP 5	Equine development
EMP 6	Development affecting the horse racing industry
ENV 4	Energy efficiency and renewable energy in construction
ENV 8	Flood risk
ENV 9	Pollution
ENV 14	Sites of archaeological interest

6.2 Supplementary Planning Documents

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

6.3 National Planning Policy Framework 2018

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

6.4 Submitted Local Plan 2017

- LP3 The Settlement Hierarchy and the Countryside
- LP2 Level and Distribution of Growth
- LP1 A presumption in Favour of Sustainable Development
- LP28 Landscape, Treescape and Built Environment Character, including Cathedral Views
- LP22 Achieving Design Excellence
- LP30 Conserving and Enhancing Biodiversity and Geodiversity
- LP17 Creating a Sustainable, Efficient and Resilient Transport Network
- LP6 Meeting Local Housing Needs
- LP16 Infrastructure to Support Growth
- LP9 Equine Development
- LP10 Development Affecting the Horse Racing Industry
- LP27 Conserving and Enhancing Heritage Assets
- LP26 Pollution and Land Contamination
- LP25 Managing Water Resources and Flood Risk

7.0 **PLANNING COMMENTS**

7.0.1 The application seeks consent for the demolition of the large agricultural barn at Millfields Stables and the construction of 3 no. private detached dwellings along with associated highway works. The application was previously refused in November 2017 (17/01684/FUL) on grounds of being outside the development envelope and the conflict between residents and the equine operation at Millfield Stables.

7.1 **Principle of Development**

7.1.1 The application site lies adjacent to the defined development boundary. The development of the site for housing would therefore conflict with Policy GROWTH 2 and LP3 of the East Cambridgeshire Local Plan 2015 and Submitted Local Plan 2017 which seeks to focus new housing development within defined settlement boundaries. However, since the previous refusal on the site, the council can no longer currently demonstrate a five year land supply for housing, policies GROWTH 2 and LP3 therefore cannot be considered up to date in so far as it relates to supply of housing land.

7.1.2 Due to its links and close proximity to the development envelope, the site is considered to be a sustainable location within walking distance of public transport and village facilities and with good links beyond to the larger service centres. The village is defined in the 2017 Submitted Local Plan as a 'medium village with a good range of services'. In this respect, it is recognised that the proposal would make a

positive, albeit modest, contribution towards the provision of the housing land supply in the area. In addition, its construction would provide some short term economic benefits.

- 7.1.3 The previous application failed to provide sufficient information supporting the unviability of the site for equine purposes and failed to “demonstrate that it is unlikely to have a significant “adverse impact on the operational use of an existing horse racing industry related site, or which would threaten the long term viability of the horse racing industry as a whole”, contrary to the requirements of Local Plan Policy EMP6 and Proposed Submission Local Plan 2017 Policy LP10”.
- 7.1.4 However, this resubmission is accompanied by additional information relating to the use of the site. It is stated that the barn is in disrepair and its use as a horsewalker is unsuitable. The land holding associated with Millfields Stables is 17.5 acres of paddocks which is insufficient to hold a viable number of equines, according to British Horse Society Welfare Guidelines (1 horse per 1.5 acre). The existing 15-box stable is to be retained with the muck heap and a new horse walker sited adjacent to it. This stable is accessed from the front of the site, with the remaining paddocks accessed away from the residential units. The existing agricultural track running through the site will be blocked to avoid conflict between vehicles. The plots of land around Millfields Stables have been being broken-up since the 1990s with various other agricultural and equine buildings within the site being converted to dwellings. The barn within the application site was formally decommissioned for equestrian use in 2012 as part of an adjacent planning approval for two dwellings and the applicant has stressed the commercial unviability of the facility, due to its size and lack of usable facilities. The applicant hopes to divide the remaining land within the wider site to provide buyers with the option of purchasing grazing land to keep their riding horses or children’s ponies. Finally, the applicant has stated that they wish to relocate their business on a larger and more viable site using funds raised by the conversion and redevelopment of the buildings at Millfields.
- 7.1.5 Having considered the applicant’s case, it is clear that this site forms an exception to many of the equine land holdings in the area surrounding Newmarket. Few have sold off such a substantial portion of their land that their capacity for equines is less than 15. Whilst a small-scale equine facility will be lost, the land surrounding it will continue to be used for more recreational equine uses. The impact on the wider horse-racing industry is likely to be negligible therefore and the demolition of the unused barn and redevelopment of the site will not set a precedent for the closure of the district’s viable stud farms.

7.2 Residential Amenity

- 7.2.1 The proposed dwellings will be located approximately 60m from the nearest residential property and it is unlikely they would have any overbearing or overlooking impact on these neighbours. The dwellings themselves have been designed and positioned in a way to ensure overlooking is kept to a minimum and sufficient amenity space and separation distances are provided within the plot to keep overbearing to acceptable levels. There are no first floor side facing windows between the two front dwellings and rear windows are sufficiently distanced from any first floor windows of the dwelling to the rear.

7.2.2 The previous application was refused on the basis of representing new residential development within an existing equine operational facility. In light of the conclusions of Section 7.1 of this report, the weight given to this previous considerations lessens somewhat. The muckheap and horse walker have been relocated within the site, away from the proposed dwellings and the impact of any future equine operations is likely to be small-enough in scale to represent an acceptable level of harm to the future residents of the scheme. Those who choose to live in the proposed dwellings will be aware of the noises and odours associated with rural areas such as the Newmarket fringe villages and thus any complaints made to Environmental Health are likely to be few in number and relate to specific events as opposed to the ambient conditions on the site.

7.2.3 It is considered that, in light of the apparent unviability of the equine facility at Millfield Stable and the unlikelihood of any future large-scale equine operator viewing the facility for potential relocation, that the residential amenity impact is acceptable and the previous reason for refusal relating to this being overcome.

7.3 Visual Amenity

7.3.1 The proposal seeks to demolish a large, relatively unsightly barn and replace with three detached dwellings. The dwellings would be located approximately 60m from the nearest residential property to the east and the built form along Mill Lane; thus an agricultural aesthetic to the dwellings was recommended at pre-application stage.

7.3.2 The proposed dwellings have a high-quality design, with a rural and agricultural aesthetic achieved through the use of barn-like openings and a mixture of materials. A traditional “farmhouse” will front the site, with two buildings to the rear and side replicating converted barns. The dwellings will be no higher than the existing barn and cover a substantially smaller footprint. The existing agricultural access to the rear of the site will not be retained, with a turning head incorporated to the front of the site.

7.3.3 It's considered that the development, albeit large in scale, will have the appearance of an agricultural conversion and existing farmhouse; and not appear out of keeping with the surrounding rural operations and edge of settlement location. The proposal is not deemed to cause substantial visual harm to the character and appearance of the area.

7.4 Highway Safety & Parking

7.4.1 The proposed scheme would be located off Mill Lane, utilising an existing farm access. Sufficient parking and turning has been provided within the site and through the implementation of a turning head at the site entrance. The Local Highways Authority have raised no objections with the proposal and the Ramblers Association consider that the development is unlikely to adversely affect the enjoyment of users of the local footpaths.

7.4.2 Regarding the agricultural access to the site, the existing access point will be blocked ensuring that no agricultural traffic can use the residential site to access the land to the rear. The stables, repositioned horse walker and muck head will be

served by their own dedicated access at the front of the site. The conflict of agricultural and residential vehicles on the site is not considered to be significant.

- 7.4.3 Regarding resident's concerns around the use of the track and construction vehicles; the site was previously an operational equine facility with large equine and agricultural vehicles associated with it. The development of the site for residential purposes may increase vehicular movements to and from the site but the intensity and scale of the movements is likely to be lessened. In planning terms, construction works form a temporary disturbance and would not represent a reasonable justification for refusal.

7.5 Ecology

- 7.5.1 The proposal seeks to remove an existing agricultural barn and therefore an ecology survey was submitted with the proposal. The survey found limited evidence for the potential of bird/bat roosting within the barn. However, several recommendations were made within the survey including avoiding bird-breeding season during construction, implementation of biodiversity measures and the covering of pits during works. These mitigation measures will be secured by condition.

7.6 Other Material Matters

- 7.6.1 A contaminated land survey was submitted with the proposal; whilst the Scientific Officer accepted the findings of the report, they recommended a number of conditions to ensure a remediation strategy is in place for the demolition of the barn due to the risk of asbestos.
- 7.6.2 In order to protect the amenity of nearby occupiers, Environmental Health recommended that construction hours are limited by condition.
- 7.6.3 A full surface and foul water drainage scheme will be required by condition to ensure compliant with the relevant local and national policies. The site is located within the Environment Agency's Flood Zone 1 where new development should be located.

7.7 Planning Balance

- 7.7.1 The proposal represents a sustainable form of development on the edge of the settlement of Stetchworth. The scheme would provide three additional dwellings built to modern, sustainable building standards and there would be a positive contribution to the local and wider economy in the short term through construction work.
- 7.7.2 The dwellings have been designed sensitively considering their edge-of-settlement location and they would have a minimal impact on the amenity of surrounding residents. Whilst the scheme would involve the redevelopment of part of an existing equine site, a case has been made to demonstrate that the facility is unviable due to a lack of sufficient land for grazing and buildings for equine care. The loss of part of this facility will not have a significant impact on the wider equine industry across

East Cambridgeshire and any conflict between residents and users of the facility is likely to be minimal.

7.7.3 On balance, the benefits of the scheme are considered to outweigh the level of harm caused and the application is recommended for approval.

8.0 **APPENDICES**

8.1.1 Appendix 1 – List of Conditions

8.1.2 Appendix 2 – Parish Council list of inaccuracies within applicant's case

<u>Background Documents</u>	<u>Location</u>	<u>Contact Officer(s)</u>
18/00774/FUL	Oli Haydon Room No. 011 The Grange	Oli Haydon Planning Officer 01353 665555
17/01684/FUL	Ely	oli.haydon@eastca mbs.gov.uk

National Planning Policy Framework -

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

East Cambridgeshire Local Plan 2015 -

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

APPENDIX 1 - 18/00774/FUL Conditions

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

Plan Reference	Version No	Date Received
P-4075-02	B	18th July 2018
P-4075-03	B	18th July 2018
P-4075-04	B	18th July 2018
P-4075-05	A	7th June 2018
Environmental Study		27th June 2018
LOCATION		7th June 2018
P-4075-06		7th June 2018
P-4075-07		7th June 2018
Ecological Appraisal		7th June 2018

- 1 Reason: To define the scope and extent of this permission.
- 2 The development hereby permitted shall be commenced within 3 years of the date of this permission.
- 2 Reason: To comply with Section 91 of the Town and Country Planning Act 1990, as amended.
- 3 The materials to be used in the construction of the external surfaces, including walls, roof, windows and doors, shall be as specified on the application form. All works shall be carried out in accordance with the approved details.
- 3 Reason: To safeguard the character and appearance of the area, in accordance with policy ENV2 of the East Cambridgeshire Local Plan 2015 and LP22 of the Submitted Local Plan 2017.
- 4 No development shall take place until a detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment has been submitted to and approved in writing by the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.
- 4 Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors, in accordance with policy ENV9 of the East Cambridgeshire Local Plan 2015 and LP26 of the Submitted Local Plan 2017. The condition is pre-commencement as it would be unreasonable to require applicants to undertake this work prior to consent being granted.

- 5 Prior to the commencement of any development, the remediation scheme approved in Condition 4 above shall be implemented in accordance with the agreed timetable of works and to the agreed specification. The Local Planning Authority must be given two weeks written notification of commencement of any remediation scheme works. Following completion of measures identified in the approved remediation scheme, a verification report that demonstrates the effectiveness of the remediation carried out must be submitted to and approved in writing by the Local Planning Authority.
- 5 Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors, in accordance with policy ENV9 of the East Cambridgeshire Local Plan 2015 and LP26 of the Submitted Local Plan 2017. The condition is pre-commencement as it would be unreasonable to require applicants to undertake this work prior to consent being granted.
- 6 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.
- 6 Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors, in accordance with policy ENV9 of the East Cambridgeshire Local Plan 2015 and LP26 of the Submitted Local Plan 2017.
- 7 Construction times and deliveries, with the exception of fit-out, shall be limited to the following hours: 08:00-18:00 each day Monday-Friday, 08:00-13:00 Saturdays and none on Sundays, Public or Bank Holidays.
- 7 Reason: To safeguard the residential amenity of neighbouring occupiers, in accordance with policy ENV2 of the East Cambridgeshire Local Plan 2015 and LP22 of the Submitted Local Plan 2017.
- 8 No above ground construction shall commence until details of the boundary treatments have been submitted to and agreed in writing with the Local Planning Authority. The boundary treatments shall be in situ in accordance with the approved details prior to the first occupation of any dwelling.
- 8 Reason: To safeguard the residential amenity of neighbouring occupiers, in accordance with policy ENV2 of the East Cambridgeshire Local Plan 2015 and LP22 of the Submitted Local Plan 2017.

- 9 The biodiversity improvements stated in Section 8 of the Preliminary Roost Assessment (prepared by Greenwillows dated Sept 2017) 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 and LP28, LP22 and LP30 of the Proposed Submission Local Plan 2017.
- 10 No development shall take place until a scheme to dispose of foul and surface water has been submitted to and approved in writing by the Local Planning Authority. The scheme(s) shall be implemented prior to first occupation.
- 10 Reason: To prevent the increased risk of flooding and to improve and protect water quality, in accordance with policies ENV2 and ENV8 of the East Cambridgeshire Local Plan 2015 and LP22 and LP25 of the Submitted Local Plan 2017. The condition is pre-commencement as it would be unreasonable to require applicants to undertake this work prior to consent being granted and the details need to be agreed before construction begins..
- 11 No development shall take place until full details of hard landscape works have been submitted to and approved in writing by the Local Planning Authority. These details shall include: driveway materials, street bollards and gates. The works shall be carried out in accordance with the approved details prior to the occupation of any part of the development or in accordance with a programme agreed with the Local Planning Authority.
- 11 Reason: To assimilate the development into its surroundings, in accordance with policies ENV1 and ENV2 of the East Cambridgeshire Local Plan 2015 and LP22 and LP28 of the Submitted Local Plan 2017. The condition is pre-commencement as it would be unreasonable to require applicants to undertake this work prior to consent being granted.
- 12 Prior to first occupation or commencement of use a full schedule of all soft landscape works shall be submitted to and approved in writing by the Local Planning Authority. The schedule shall include, planting plans, a written specification; schedules of plants noting species, plant sizes, proposed numbers/densities; and a detailed implementation programme. It shall also indicate all existing trees and hedgerows on the land and details of any to be retained. The works shall be carried out in accordance with the approved details prior to the end of the first planting season following occupation of the development. If within a period of five years from the date of the planting, or replacement planting, any tree or plant is removed, uprooted or destroyed or dies, another tree or plant of the same species and size as that originally planted shall be planted at the same place, unless the Local Planning Authority gives its written consent to any variation.
- 12 Reason: To assimilate the development into its surroundings, in accordance with policies ENV1 and ENV2 of the East Cambridgeshire Local Plan 2015 and LP22 and LP28 of the Submitted Local Plan 2017. The condition is pre-commencement as it would be unreasonable to require applicants to undertake this work prior to consent being granted.

- 13 Prior to first occupation or commencement of use of the development sufficient space shall be provided within the site to enable vehicles to enter, turn and leave the site in forward gear and to park clear of the public highway The area shall be levelled, surfaced and drained and thereafter retained for that specific use.
- 13 Reason: In the interests of highway safety, in accordance with COM7 and COM8 of the East Cambridgeshire Local Plan 2015 and LP17 of the Submitted Local Plan 2017.
- 14 The access and all hardstanding within the site shall be constructed with adequate drainage measures to prevent surface water run-off onto the adjacent public highway and retained in perpetuity.
- 14 Reason: To prevent surface water discharging to the Highway, in accordance with policies ENV2, ENV7 and COM7 of the East Cambridgeshire Local Plan 2015 and LP17, LP22 and LP30 of the Submitted Local Plan 2017.
- 15 The existing access(es) to the agricultural/equestrian use as shown on P-4075-02 (rev B) shall be permanently and effectively closed prior to first occupation of any dwelling.
- 15 Reason: To safeguard the residential amenity of neighbouring occupiers, in accordance with policy ENV2 of the East Cambridgeshire Local Plan 2015 and LP22 of the Submitted Local Plan 2017.
- 16 Prior to first occupation of any dwelling, the access, turning and parking area to the existing stable yard, as shown on Drawing P-4075-02 (rev B) shall be constructed. The area shall be levelled, surfaced and drained and thereafter retained for that specific use.
- 16 Reason: To safeguard the residential amenity of neighbouring occupiers, in accordance with policy ENV2 of the East Cambridgeshire Local Plan 2015 and LP22 of the Submitted Local Plan 2017.

Appendix 2 – Parish Council inaccuracies in applicant’s case

Waiting room and refreshment building – if this was converted into living accommodation it was without planning permission. The first time the Parish council became aware of anyone living in the former shop was when Mr Robert Eley (who would otherwise be homeless) was living there. The Parish Council did not believe that the premises had any of the usual dwelling facilities. Soon after this an application was made to ECDC for change of use to dwelling accommodation (although outside the village envelope). The Parish Council made representations to its then district Councillor objecting to this, but the application was successful.

The detached dwelling that was the principal residence was not converted into semi-detached – it had always been a semi-detached dwelling. For some years a member of Miss Hammond’s staff lived there.

The applicant contends that it has very old and rundown buildings but she recently built a new stable block and principal residence – why build them if the place is not viable? Furthermore the land they were built on could have been used for equine purposes as there was already a block of stables and a principal residence – the land where the stables had been, together with additional land at the rear of the then principal residence were converted into two plots of land and houses built thereon.

The applicant says ‘in the past year a new footpath has been created’. This ‘new’ footpath was created in 2008. The path (formerly a private carriage drive) had been in existence certainly since the Stetchworth Enclosure award of the 1820s. A recent previous owner had taken up the hedge (the boundary of the carriage drive) taking the whole drive into the Millfields field. The Parish made representations about this and eventually a public enquiry was held, the inspector granting the reinstatement of a public footpath.

The reference to Granby Cottage Stables, Tea Kettle Lane is also inaccurate. A small cul de sac of houses has indeed been built there but the land and stables were never a ‘stand alone stud’ but were part of Aislabie stud which is still in existence.

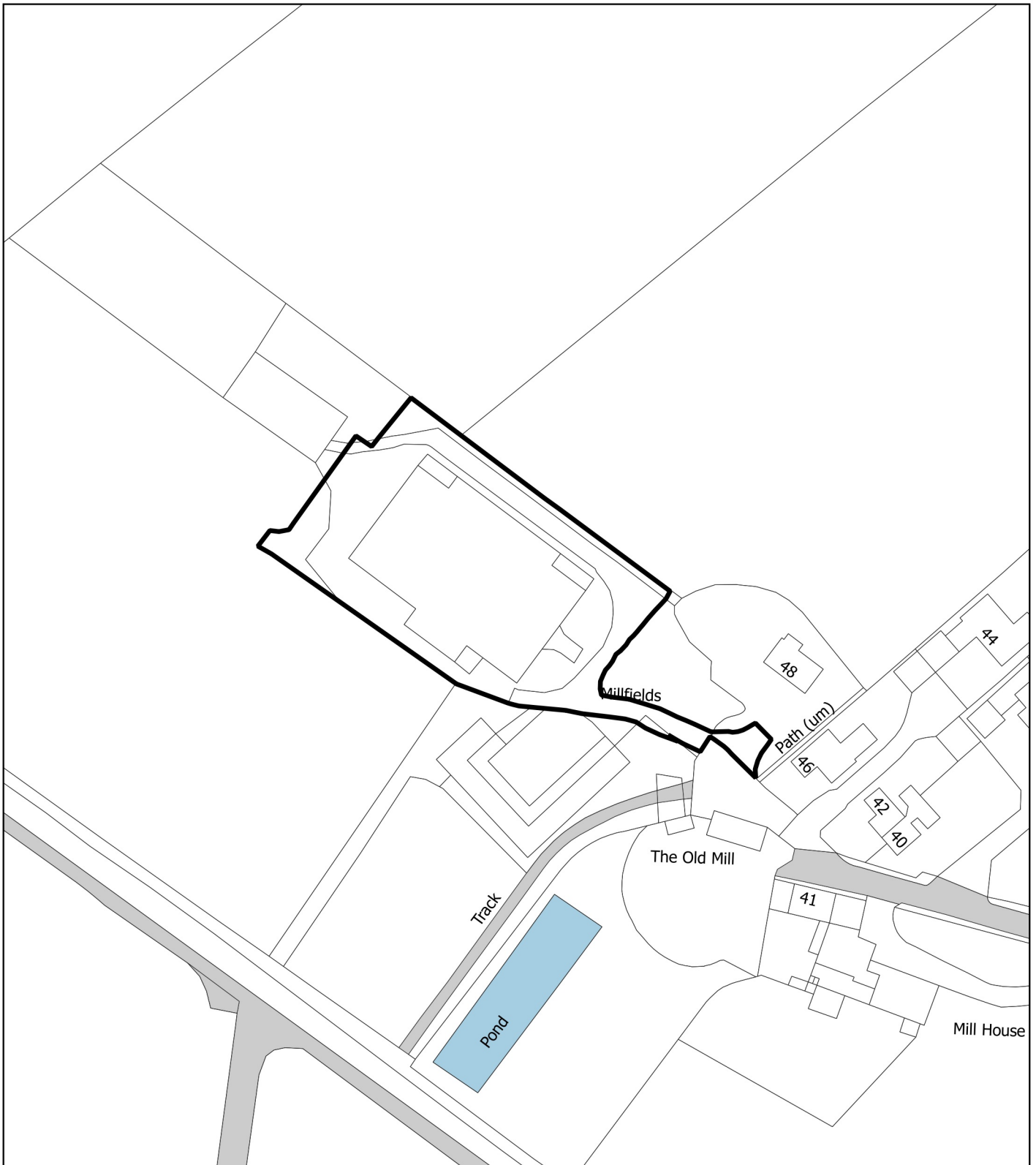
The applicant thinks that the Local Primary school would also benefit from these extra houses – however the residents of the proposed large four and five bedroom houses are more likely to drive their children to a private school.

The applicant’s intentions: This paragraph is not understood. When she refers to the old stables does she mean the block which was demolished and two houses built there, or does she mean the new block recently built which she intends to convert in the future to three or four homes (no planning application has been put in for this currently) or is she in fact referring to the large barn, the subject of this application for three homes.

However, in the next paragraph she refers to two homes in place of the derelict indoor ride and the existing one bed dwelling. It had been understood that the one bed dwelling had been demolished when the new principal residence was recently built. Does she in fact mean that she intends to build three houses, the subject of this application, plus convert the new stable block into three or four dwellings, plus two homes in the existing indoor ride/army hut plus the one bed residence – is she actually proposing a total of nine or ten dwellings on the site?

In short Appendix A seems to indicate that, were planning permission given the buildings would in no way inhibit the use of the rest of the land as a stud and the business would be run around the additional houses. Appendix B seems to indicate that the whole area is not large enough for a stud anyway, once these three have been built the intention is to convert the new stables to more dwellings, plus perhaps another two and a one bed dwelling at which point the applicant will move to more suitable premises.

When application was made for the principal dwelling and the new stable block it was maintained that this would be a better arrangement and would ensure a viable business. Selling off land and then complaining of lack of land to run a viable business would not seem to be a good reason to give permission for housing on stud land outside the perceived village envelope.



18/00774/FUL

Millfield Stables Ltd
Mill Lane
Stetchworth



East Cambridgeshire
District Council

Date: 07/09/2018
Scale: 1:1,200



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MAIN CASE

Reference No: 18/00775/FUL

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

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

Applicant: Mr Jason Constable

Case Officer: Oli Haydon, Planning Officer

Parish: Little Downham

Ward: Downham Villages

Ward Councillor/s:

Councillor Anna Bailey

Councillor Mike Bradley

Date Received: 7 June 2018

Expiry Date: 25th September 2018

[T104]

1.0 RECOMMENDATION

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

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

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

2.0 SUMMARY OF APPLICATION

- 2.1 The proposal seeks consent for the demolition of the dwelling at 51 Cannon Street and the construction of 2no. 4 bedroom dwellings fronting Cannon Street, 3no. 2 bedroom dwellings to the rear and 1no. 3 bedroom dwelling fronting White Horse Lane.
- 2.2 The application is a resubmission of a previously refused application 17/00667/FUL) which was subsequently appealed and dismissed.
- 2.3 The full planning application, plans and documents submitted by the Applicant can be viewed online via East Cambridgeshire District Council's Public Access online service, via the following link <http://pa.eastcambs.gov.uk/online-applications/>. **Alternatively a paper copy is available to view at the East Cambridgeshire District Council offices, in the application file.**
- 2.4 The application was called-in to Planning Committee by Cllr Bailey 'given the number of comments raised by nearby residents and the planning history of the site'.

3.0 PLANNING HISTORY

- 3.1
- | | | | |
|--------------|---|----------------------------|------------|
| 17/00667/FUL | Demolition of existing dwelling and construction of 2no. four bedroom two storey detached dwellings, 4no. three bedroom one & a half storey detached dwellings and 1no. three bedroom two storey detached dwelling. | Refused (appeal dismissed) | 29.06.2017 |
|--------------|---|----------------------------|------------|

4.0 THE SITE AND ITS ENVIRONMENT

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

residential ancillary structures.

5.0 **RESPONSES FROM CONSULTEES**

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

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

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

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

Additional comments

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

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

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

CCC Growth & Development - No Comments Received

Minerals And Waste Development Control Team - No Comments Received

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

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

Lead Local Flood Authority - No Comments Received

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

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

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

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

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

6.0 **The Planning Policy Context**

6.1 **East Cambridgeshire Local Plan 2015**

ENV 1	Landscape and settlement character
ENV 2	Design
ENV 7	Biodiversity and geology
ENV 8	Flood risk
ENV 9	Pollution
COM 7	Transport impact
COM 8	Parking provision
GROWTH 2	Locational strategy
GROWTH 3	Infrastructure requirements

GROWTH 5 Presumption in favour of sustainable development
HOU 2 Housing density
ENV4 Energy and water efficiency and renewable energy in construction

6.2 **Supplementary Planning Documents**

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

6.3 **National Planning Policy Framework 2018**

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

6.4 **Submitted Local Plan 2017**

LP1 A presumption in Favour of Sustainable Development
LP2 Level and Distribution of Growth
LP3 The Settlement Hierarchy and the Countryside
LP6 Meeting Local Housing Needs
LP17 Creating a Sustainable, Efficient and Resilient Transport Network
LP22 Achieving Design Excellence
LP25 Managing Water Resources and Flood Risk
LP26 Pollution and Land Contamination
LP28 Landscape, Treescape and Built Environment Character, including Cathedral Views
LP30 Conserving and Enhancing Biodiversity and Geodiversity
LP24 Renewable and Low Carbon Energy Development

7.0 PLANNING COMMENTS

7.0.1 The application seeks consent for a residential development comprising six detached residential dwellings along with access, car parking and associated landscaping following the demolition of the existing building on the site at 51 Cannon Street. Two of the dwellings would front Cannon Street with a further three built in the vacant land to the rear. A single dwelling would be constructed off White Horse Lane to the east.

7.0.2 The application is a partial resubmission of 17/00667/FUL that was refused in June 2017. The refusal notice was subsequently appealed and the appeal dismissed. The previous proposal sought consent for seven detached dwellings, as opposed to the six proposed in this application. The application was refused on four grounds:

1. A form of development that is out of character with the established form of development along Cannon Street.

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

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

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

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

7.1 Principle of Development

7.1.1 The application site lies adjacent to the defined development boundary. The development of the site for housing would therefore conflict with Policy GROWTH 2 and LP3 of the East Cambridgeshire Local Plan 2015 and Submitted Local Plan 2017 which seeks to focus new housing development within defined settlement boundaries. However, as the council cannot currently demonstrate a five year land supply for housing, policies GROWTH 2 and LP3 cannot be considered up to date in so far as it relates to supply of housing land.

7.1.2 Due to its links and close proximity to the development envelope, the site is considered to be a sustainable location within walking distance of public transport and village facilities and with good links beyond to the larger service centres. In this respect, it is recognised that the proposal would make a positive, albeit modest, contribution towards the provision of the housing land supply in the area. In addition, its construction would provide some short term economic benefits and, within this limited this context, can be viewed as supporting the economic dimension

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

7.2 Residential Amenity

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

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

7.3 Visual Amenity

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

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

- 7.3.5 Plot 6, off White Horse Lane, will be 1.5 storey and with a traditional appearance. The dwelling will appear as a suitable in-fill development and maintain separation distances that are similar to the other dwellings on the lane to avoid appearing overly cramped in the wider street-scene.
- 7.3.6 It is considered that the visual impact of the proposed development is acceptable. The dwellings fronting Cannon Street will complement the variety witnessed within the street-scene and the uniquely designed dwellings to the rear are sympathetic to their immediate surroundings and retain the key views of the open countryside and Ely Cathedral enjoyed by the residents along Cannon Street. The dwelling proposed off White Horse Lane will appear as a form of in-fill development and respects the form and density of the dwellings along the lane. A landscaping scheme will be secured by condition and utilise the findings of the accompanying Visual Impact Assessment to further assimilate the proposal into its surroundings.

7.4 **Highways**

- 7.4.1 The proposal would be served by a new access road off Cannon Street. The three dwellings to the rear would have parking/turning provided and the parking/turning for the dwellings fronting Cannon Street would be located immediately off the new access road. The access for Plot 6 would be off White Hart Lane, with parking provided off-street. The Local Highways Authority (LHA) have raised no concerns with the proposal and the majority of the dwellings would utilise a parallel parking arrangement.
- 7.4.2 Concerns have been raised regarding the increase in on-street parking along Cannon Street and the conflict of uses between residents and agricultural traffic using the road. As the site provides policy-compliant levels of off-street parking, these concerns would not warrant outright refusal of the application. The LHA have raised no further concerns regarding vehicle capacity of conflict of uses along Cannon Street.

7.5 **Ecology & Trees**

- 7.5.1 The Trees Officer has raised no concerns with the previous proposal and the proposed removal of the trees on site, although they raised concerns regarding overall landscape impact. A landscaping and maintenance scheme shall be secured by condition as will a condition ensuring adequate tree protection measures are adhered to.
- 7.5.2 An ecological survey was previously submitted which concluded that the buildings, scattered trees and scrub habitats have the potential to support breeding birds. It is considered that by adhering to the timing constraints for the removal of suitable nesting bird habitat, proposed within this report, that the potential for direct disruption and adverse impacts on breeding birds at the Site can be avoided.

- 7.5.3 The site forms an extended garden area of the dwelling at 51 Cannon Street. It is reasonable to consider that a future tenant of the dwelling could mow this area and retain it as garden.
- 7.5.4 No waterbodies were identified on site and the closest record of a Great Crested Newt (GCN) was located 375m to the NE of the site. The Little Downham Local Nature Reserve is located 340m to the south and GCNs are known to be present in this site. The likelihood of protected amphibians being present on the site was considered to be low to moderate. Despite this, and considering local concerns raised during the consultation process a reptile mitigation strategy will be secured by condition to be prepared for the site.
- 7.5.5 The site has scope for significant biodiversity enhancements, including retaining and enhancing the orchard area, native species hedgerow establishment and bird and bat box provisions; the implementation of these will be secured by condition.

7.6 **Flood Risk and Drainage**

- 7.6.1 Whilst the previous proposal was refused on grounds of inadequate surface water drainage information being submitted, as part of the appeal process significant additional information was provided and no objections were raised by the Lead Local Flood Authority. Infiltration would not be a feasible means of drainage so the submitted strategy appended to the appellant's appeal submissions would involve surface water being directed into the ditch along the southern and western boundaries of the appeal site. The ditch would act as a swale as it would store surface water. The calculations undertaken by the appellant's engineers indicate it would have sufficient capacity even when climate change is factored in. A control would be inserted before the culvert at the eastern end of the ditch so that the discharge from it could be appropriately attenuated.
- 7.6.2 The Planning Inspector was satisfied the appellant has demonstrated that there would be an available and workable solution to managing surface water drainage that would reduce the flood risk to an acceptable level. Thus, the scheme would adequately address the potential risks from surface water flooding and thus adhere to Policy ENV8 of the 2015 Local Plan, LP25 of the Submitted Local Plan 2018 and the guidance in the National Planning Policy Framework and the Flood and Water Supplementary Planning Document.
- 7.6.3 In order to ensure that this stance continues to apply, a surface water drainage scheme shall be secured by condition for scrutiny by the Lead Local Flood Authority and Internal Drainage Board.

7.7 **Other Material Matters**

- 7.7.1 The site is located within a Mineral Safeguarding Area as identified within the CCC Minerals and Waste Core Strategy (2011). No comments have been forthcoming from CCC and as the site is relatively small is not considered commercially viable to extract the mineral from the site. The applicant has stated that minerals will be retained in situ during the development of the site. The extraction of minerals would also have a detrimental impact on the residential amenities of surrounding residents and therefore this would not be a suitable use for this edge of village site.

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

7.8 **Planning Balance**

- 7.8.1 The proposal represents a sustainable form of development on the edge of the settlement of Little Downham. The scheme would provide five additional dwellings and a replacement of the dwelling at 51 Cannon Street. The dwellings would be built to modern, sustainable building standards and there would be a positive contribution to the local and wider economy in the short term through construction work.
- 7.8.2 The proposal represents a resubmission of a previous refusal on the site; the appeal of which raised a number of issues. This proposal aims to overcome these issues through amendments in the design, layout and access arrangement of the scheme. It is considered that the scheme adequately addresses residential amenity concerns raised as part of the previous scheme and would avoid contravention of Policies ENV2 of the 2015 Local Plan and LP22 of the 2017 Submitted Local Plan. Furthermore, the appearance, layout and density of the scheme has been amended to better sympathise with the surrounding rural area and the built variety seen along Cannon Street. The proposal appropriately feathers the built-edge of the village and acts as a transition between the rural and the urban. It is considered that a drainage strategy of the site can be suitably prepared prior to works commencing on site and a reptile mitigation strategy can safeguard against any harm caused to nearby protected species. The benefits of the scheme are considered to outweigh the level of harm caused and the application is recommended for approval.

8.0 **APPENDICES**

- 8.1 List of Conditions

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

National Planning Policy Framework -

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

East Cambridgeshire Local Plan 2015 -

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

APPENDIX 1 - 18/00775/FUL Conditions

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

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

- 1 Reason: To define the scope and extent of this permission.
- 2 The development hereby permitted shall be commenced within 3 years of the date of this permission.
- 2 Reason: To comply with Section 91 of the Town and Country Planning Act 1990, as amended.
- 3 No above ground construction shall take place on site until details of the walls, roof, windows and doors to be used on the development have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.
- 3 Reason: To safeguard the character and appearance of the area, in accordance with policy ENV2 of the East Cambridgeshire Local Plan 2015 and LP22 of the Submitted Local Plan 2017.
- 4 No development shall take place until a scheme to dispose of surface and foul water has been submitted to and approved in writing by the Local Planning Authority. The scheme(s) shall be implemented prior to first occupation of any dwelling
- 4 Reason: To prevent the increased risk of flooding and to improve and protect water quality, in accordance with policies ENV2 and ENV8 of the East Cambridgeshire Local Plan 2015 and LP22 and LP25 of the Submitted Local Plan 2017. The condition is pre-commencement as it would be unreasonable to require applicants to undertake this work prior to consent being granted and the details need to be agreed before construction begins.

- 5 Prior to first occupation or commencement of use a full schedule of all soft landscape works shall be submitted to and approved in writing by the Local Planning Authority. The schedule shall include, planting plans, a written specification; schedules of plants noting species, plant sizes, proposed numbers/densities; and a detailed implementation programme. It shall also indicate all existing trees and hedgerows on the land and details of any to be retained. The works shall be carried out in accordance with the approved details prior to the end of the first planting season following occupation of the development. If within a period of five years from the date of the planting, or replacement planting, any tree or plant is removed, uprooted or destroyed or dies, another tree or plant of the same species and size as that originally planted shall be planted at the same place, unless the Local Planning Authority gives its written consent to any variation.
- 5 Reason: To assimilate the development into its surroundings, in accordance with policies ENV1 and ENV2 of the East Cambridgeshire Local Plan 2015 and LP22 and LP28 of the Submitted Local Plan 2017.
- 6 No development shall take place until an investigation and risk assessment of the nature and extent of any contamination on the site, whether or not it originates on the site, has been undertaken. The investigation and risk assessment must be undertaken by competent persons, and a written report of the findings must be submitted to and approved in writing by the Local Planning Authority. The report of the findings must include:
- (i) A survey of the extent, scale and nature of contamination;
 - (ii) An assessment of the potential risks to: human health, property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes; adjoining land; groundwaters and surface waters; ecological systems; archaeological sites and ancient monuments;
 - (iii) An appraisal of remedial options, and proposal of the preferred option(s).
- This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'. Any remediation works proposed shall be carried out in accordance with the approved details and timeframe as agreed in writing by the Local Planning Authority.
- 6 Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors, in accordance with policy ENV9 of the East Cambridgeshire Local Plan 2015 and LP26 of the Submitted Local Plan 2017. The condition is pre-commencement as it would be unreasonable to require applicants to undertake this work prior to consent being granted.
- 7 In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported to the Local Planning Authority within 48 hours. No further works shall take place until an investigation and risk assessment has been undertaken and submitted to and approved in writing by the Local Planning Authority. Where remediation is necessary, a remediation scheme must be submitted to and approved in writing by the Local Planning Authority. The necessary remediation works shall be undertaken, and following completion of measures identified

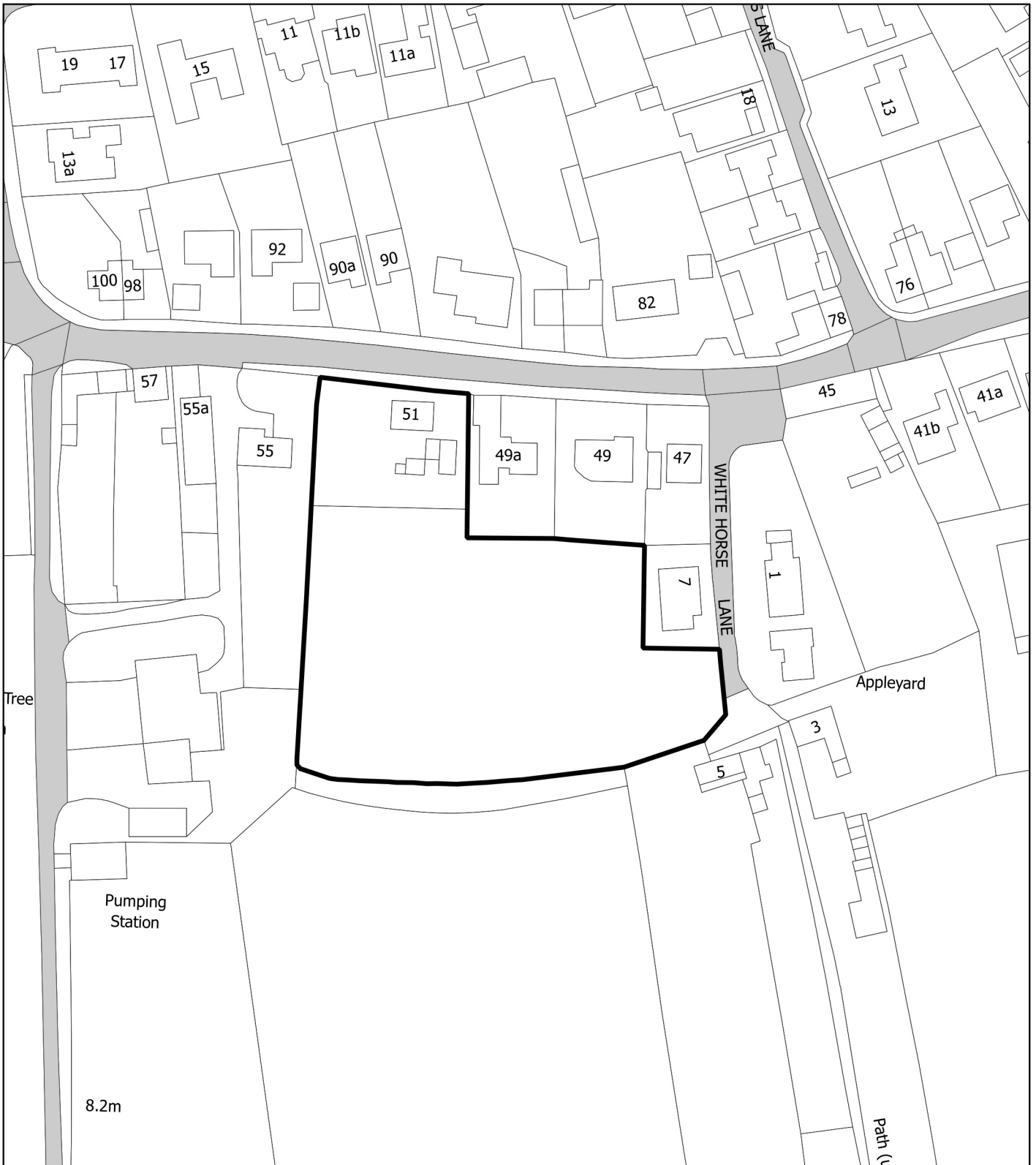
in the approved remediation scheme a verification report must be prepared, and approved in writing by the Local Planning Authority.

- 7 Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors, in accordance with policy ENV9 of the East Cambridgeshire Local Plan 2015 and LP26 of the Submitted Local Plan 2017.
- 8 Prior to occupation the biodiversity improvements as listed in Section 5 of the Preliminary Ecological Appraisal, prepared by MKA Ecology and dated May 2017 shall be implemented. The biodiversity improvements shall be installed prior to the first occupation of the hereby approved development and thereafter maintained in perpetuity.
- 8 Reason: To protect and enhance species in accordance with policies ENV1, ENV2 and ENV7 of the East Cambridgeshire Local Plan 2015 and LP28, LP22 and LP30 of the Proposed Submission Local Plan 2017.
- 9 Prior to any work commencing on the site a Construction Environmental Management Plan (CEMP) shall be submitted to and agreed in writing with the Local Planning Authority regarding mitigation measures for noise, dust and lighting during the construction phase. These shall include, but not be limited to, other aspects such as access points for deliveries and site vehicles, and proposed phasing/timescales of development etc. The CEMP shall be adhered to at all times during all phases.
- 9 Reason: To safeguard the residential amenity of neighbouring occupiers, in accordance with policy ENV2 of the East Cambridgeshire Local Plan 2015 and LP22 of the Submitted Local Plan 2017. The condition is pre-commencement as it would be unreasonable to require applicants to undertake this work prior to consent being granted.
- 10 Construction times and deliveries, with the exception of fit-out, shall be limited to the following hours: 08:00-18:00 each day Monday-Friday, 08:00-13:00 Saturdays and none on Sundays, Public or Bank Holidays.
- 10 Reason: To safeguard the residential amenity of neighbouring occupiers, in accordance with policy ENV2 of the East Cambridgeshire Local Plan 2015 and LP22 of the Submitted Local Plan 2017.
- 11 No burning of waste shall take place on site during the construction or clearance phases.
- 11 Reason: To safeguard the residential amenity of neighbouring occupiers, in accordance with policy ENV2 of the East Cambridgeshire Local Plan 2015 and LP22 of the Submitted Local Plan 2017.
- 12 No development shall take place within the area indicated until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved in writing by the local planning authority.

- 12 Reason: To ensure that any archaeological remains are suitably recorded in accordance with policy ENV14 of the East Cambridgeshire Local Plan 2015 and LP27 of the Submitted Local Plan 2017. The condition is pre-commencement as it would be unreasonable to require applicants to undertake this work prior to consent being granted.
- 13 Notwithstanding the provision of Class A of Schedule 2, Part 2 of the Town and Country Planning (General Permitted Development) Order 2015, (or any order revoking, amending or re-enacting that order) no gates, fences or walls shall be erected across the approved vehicle access, as shown on Drawing PL-1-02 (Rev A).
- 13 Reason: In the interests of highway safety, in accordance with COM7 and COM8 of the East Cambridgeshire Local Plan 2015 and LP17 of the Submitted Local Plan 2017.
- 14 The access shall be a minimum width of 5m, for a minimum distance of 10m measured from the near edge of the highway carriageway and thereafter retained in perpetuity.
- 14 Reason: In the interests of highway safety, in accordance with COM7 and COM8 of the East Cambridgeshire Local Plan 2015 and LP17 of the Submitted Local Plan 2017.
- 15 Prior to first occupation or commencement of use of the development sufficient space shall be provided within the site to enable vehicles to enter, turn and leave the site in forward gear and to park clear of the public highway. The area shall be levelled, surfaced and drained and thereafter retained for that specific use.
- 15 Reason: In the interests of highway safety, in accordance with COM7 and COM8 of the East Cambridgeshire Local Plan 2015 and LP17 of the Submitted Local Plan 2017.
- 16 The access and all hardstanding within the site shall be constructed with adequate drainage measures to prevent surface water run-off onto the adjacent public highway and retained in perpetuity.
- 16 Reason: To prevent surface water discharging to the Highway, in accordance with policies ENV2, ENV7 and COM7 of the East Cambridgeshire Local Plan 2015 and LP17, LP22 and LP30 of the Submitted Local Plan 2017.
- 17 No above ground construction shall commence until details of the boundary treatments have been submitted to and agreed in writing with the Local Planning Authority. The boundary treatments shall be in situ in accordance with the approved details prior to the first occupation of any dwelling.
- 17 Reason: To assimilate the development into its surroundings, in accordance with policies ENV1 and ENV2 of the East Cambridgeshire Local Plan 2015 and LP22 and LP28 of the Submitted Local Plan 2017.
- 18 Prior to any occupation of the development, a scheme for the maintenance of the soft landscaping scheme for a minimum period of five years from last occupation, shall be submitted to and agreed in writing by the Local Planning Authority. All works shall be maintained in accordance with the agreed scheme. The scheme shall include the following:
 - i) methods for the proposed maintenance regime;
 - ii) detailed schedule;

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

- 18 Reason: To ensure the longevity of the landscaping scheme, in accordance with policy ENV1 and ENV2 of the East Cambridgeshire Local Plan 2015 and LP22 and LP28 of the Submitted Local Plan 2017.
- 19 The tree protection measures as shown on TCP_51CCANNONST_2; shall be implemented prior to the commencement of development, site works or clearance in accordance with the approved details, and shall be maintained and retained until the development is completed. Within the root protection areas the existing ground level shall be neither raised nor lowered and no materials, temporary buildings, plant, machinery or surplus soil shall be placed or stored thereon. If any trenches for services are required within the fenced areas they shall be excavated and backfilled by hand and any tree roots encountered with a diameter of 25mm or more shall be left unsevered.
- 19 Reason: To ensure that the trees on site are adequately protected, to safeguard the character and appearance of the area, in accordance with policies ENV1 and ENV2 of the East Cambridgeshire Local Plan 2015 and LP22 and LP28 of the Submitted Local Plan 2017. The condition is pre-commencement in order to ensure that the protection measures are implemented prior to any site works taking place to avoid causing damage to trees to be retained on site.
- 20 Prior to the commencement of development, a detailed mitigation strategy outlining measures to limit the disturbance of Great Crested Newts shall be submitted to and approved in writing by the Local Planning Authority and implemented in full.
- 20 Reason: To protect and enhance species in accordance with policies ENV1, ENV2 and ENV7 of the East Cambridgeshire Local Plan 2015 and LP28, LP22 and LP30 of the Submitted Local Plan 2017. The condition is pre-commencement as it would be unreasonable to require applicants to undertake this work prior to consent being granted and the details need to be agreed before construction begins.
- 21 Prior to the commencement of development, an energy and sustainability strategy for the development, including details of any on site renewable energy technology and energy efficiency measures, shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved strategy.
- 21 Reason: To ensure that the proposal meets with the requirements of sustainability as stated in policy ENV4 of the East Cambridgeshire Local Plan 2015 and LP24 of the Submitted Local Plan 2017. This condition is pre-commencement as some of the measures may be below ground level.



18/00775/FUL

51 Cannon Street
Little Downham



East Cambridgeshire
District Council

Date: 07/09/2018
Scale: 1:1,200



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MAIN CASE

Reference No: 18/00781/OUT

Proposal: Proposed outline consent for the erection of 5 dwellings including details of means of access. Appearance, landscaping, layouts, scales to be reserved matters.

Site Address: Land Northeast Of 37 And 38 High Street Chippenham
Cambridgeshire

Applicant: Mrs Angela Reeder

Case Officer: Andrew Phillips Planning Team Leader

Parish: Chippenham

Ward: Fordham Villages
Ward Councillor/s: Councillor Joshua Schumann
Councillor Julia Huffer

Date Received: 8 June 2018 **Expiry Date:** 1 October 2018

[T105]

1.0 **RECOMMENDATION**

1.1 Members are recommended to approve the application subject to the following conditions:

1. Approved Plans
2. Reserved Matters – Time Frame/Details
3. Time Limit
4. Energy/Sustainability
5. Biodiversity Improvements
6. Contaminated Land
7. Unexpected Contamination
8. Construction Times
9. Archaeological
10. Arboricultural Impact Assessment
11. Foul/Surface Water
12. Pedestrian Visibility Splays
13. Highway Drainage
14. Nesting bird protection

2.0 SUMMARY OF APPLICATION

- 2.1 The proposal is for outline permission for five dwellings with only detailed consent for access being sought. With the previous application (17/01221/OUT) on site being refused on access grounds, the developer has now provided details on the access point onto High Street. This previous application is currently being appealed.
- 2.2 The application has been amended in order for a revised access arrangement to be submitted and revised forms to be submitted (including notification of County Council as a landowner).
- 2.3 The Chair and Vice-Chair of Planning Committee has confirmed this should be determined at Planning Committee, as the previous application was determined at Planning Committee.
- 2.4 The full planning application, plans and documents submitted by the Applicant can be viewed online via East Cambridgeshire District Council's Public Access online service, via the following link <http://pa.eastcambs.gov.uk/online-applications/>. **Alternatively a paper copy is available to view at the East Cambridgeshire District Council offices, in the application file.**

3.0 PLANNING HISTORY

3.1

17/01221/OUT	Proposed outline consent for 5 new houses and access	Refused	05.10.2017
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17/01221/OUT was refused on the grounds of:

The application has not provided sufficient details to demonstrate that it is possible to achieve safe access onto the public highway or has taken into account the high volume of traffic during the rush hour period. The proposal is, therefore, significantly detrimental to the safety of both existing users of the public highway and the potential future residents of the proposal. The application does not comply with policy COM7 of the East Cambridgeshire Local Plan Adopted April 2015, by virtue of the harm to highway safety.

This application is currently being considered by the Planning Inspectorate.

4.0 THE SITE AND ITS ENVIRONMENT

- 4.1 The site is located outside but adjacent to the village framework and Chippenham Conservation Area. It is within a Mineral Safeguarding Area. The site is in an open field surrounded by mature planting.
- 4.2 There is a Public Right of Way that is located on the northern and eastern boundary of the paddock, but is separated from the application site by at least 48 metres.

4.3 There is a Listed Building on the opposite side of the road and approximately 30m southwest of the proposed site entrance. 37 High Street has a contemporary style/materials and is adjacent to the entrance to the proposal.

4.4 Scotland End is a 1990s cul-de-sac development located to the southeast of the site.

5.0 RESPONSES FROM CONSULTEES

5.1 The full responses are available on the Council's web site.

Chippenham Parish Council – (17 July 2018) It objects to the proposal.

Traffic Survey – The overall traffic numbers are quite high for a small village due to commuter traffic.

The information submitted shows that 322 cars per week are travelling over 36mph, which was carried out in November. The Parish believes that cars travel faster in the summer, due to better visibility. An additional access will create a safety hazard.

Questions the number of journeys that the proposal will create.

Has noted comments in regards to the visibility splays and seeks a high standard due to the scope of accidents occurring with traffic travelling from so many different directions.

Outside village framework – The Parish Council has contributed in the local plan process and is only seeking infill development.

Chippenham has no village school, no shop, no GP and limited public transport.

This edge of the village already has speeding issues and visibility from the site is blocked by the land bank and chevrons.

If permission was granted it would set a precedent for further growth.

Proposal would affect the amenity of The Old Police House.

Style and positioning of the proposal not in keeping with the village or conservation area.

The Openreach box is located on the verge near this access and vans uses in the servicing of this box will further reduce visibility.

It appears as if the visibility splays are over highway land but also encroach on the neighbouring property.

Without prejudice if the application was approved seeks for a footpath to connect to the Public Right of Way.

Cllr Schunmann (Chair of Planning Committee) – (29 June 2018) Confirms it should go to Planning Committee.

Cllr Rouse (Vice Chair of Planning Committee) – (22 June 2018) Confirmed with the Case Office that this application should be determined by Planning Committee.

Ramblers, Newmarket and District Group – (22 June 2018) Asked for previous comments to be considered. These stated:

- Confirmed that they had walked the adjacent footpaths and the proposed dwellings are a significant distance from either footpath.
- Site is unusually shaped plot but should ensure that the current proposal will have little or no impact on the two public footpaths.

Environmental Health – (26 June 2018) Seeks standard contamination conditions and a condition to control construction/deliveries.

Tree Officer – (13 July 2018) There appears to be trees close to this development, that might be affected. Seeks a Tree Constraints Plan to provide information upon the trees (including roots).

Historic Environment Team – (28 June 2018) Site is an area of high archaeological potential and seeks a pre-commencement archaeological investigation.

Burnt Fen Internal Drainage Board – (11 July 2018) No objections to proposal.

Waste Strategy (ECDC) – (21 June 2018) States as the site does not appear to be suitable for adoption all waste produced will need to be brought to the boundary of the adopted highway.

Given how close this location is to existing junction the waste team is extremely concerned that its crews and other road users would be at risk of injury.

RECAP Waste Management Design Guide defines how far a resident should have to wheel a bin to a collection point.

Provides details of bin charges.

Local Highways Authority – (10 July 2018) States:

“The vehicle access arrangement should be a crossover type as per CCC Standards. I would recommend that the submitted drawing is amended to CCC Vehicle Crossover standard (CCC HERCS April 2018). The highways authority would then have no objections in principal to this application subject to the following conditions.

Additional Comments

I have visited this site and Chippenham Village on a number of occasions and have reviewed in full the submitted Access Statement. I can confirm that I accept the data provided and agree with the summary conclusion within this Report. The access to this site is from a B classified road and the number of trips generated from this site

during peak hours is negligible the visibility at this location is also over and above the required length and as such I have no objections.

A traffic speed survey was not required for this application as the required visibility splays are achievable either side of the access (30mph requires 2.4m x 43m). The visibility splays within the submitted drawings are in fact in excess of what is required and they are entirely within the adopted highway. Even given the recorded speeds which are above the posted speed limit of 30mph the required splays are achievable these being a maximum of 56m (36mph). As such I would have no objections to the location of this access.

We would normally seek to adopt the internal roads of a development this size however the internal layout is not to an adoptable standard and as such we would not offer to adopt this

As there is an internal footway shown on the western side of the access I would recommend a Condition for the inclusion of pedestrian visibility splays within the curtilage of the land.”

Recommends conditions in regards to highway safety.

(17 July 2018)

“The crossover arrangement as shown is acceptable to the highways authority.

The alterations and increase to the access width up to 6m plus 2 x 0.5m maintenance strips would be to CCC adoptable standards.

Please add any previous and relevant highways comments, informatives and condition to any permissions the planning authority may grant using the amended drawing and associated drawing number 01-4 Rev A”

(27 July 2018) Confirmed with the Case Officer that only the pedestrian visibility splays are needed. The inter-vehicle visibility splays are within the highway.

(31 July 2018) Confirmed with the Case Officer that the pedestrian visibility splays need to be 1.5m x 1.5m.

Natural England – (10 August 2018) It has no comment to make on this application, as the proposal is not likely to result in significant impacts on statutory designated nature conservation sites or landscapes.

It is for the Local Planning Authority to determine if it accords with national and local policies.

Anglian Water Services Ltd - No Comments Received

National Grid - No Comments Received

Openreach New Sites - No Comments Received

Minerals and Waste Development Control Team - No Comments Received

Asset Information Definitive Map Team - No Comments Received

CCC Growth & Development - No Comments Received

Conservation Officer - No Comments Received

5.2 Neighbours – 25 neighbouring properties were notified, a site notice put up on the 29 June 2018 and a notice put in the press on the 28 June 2018. The responses received are summarised below. A full copy of the responses are available on the Council's website.

1 Scotland End – (4 July 2018) Presumes the application has been resubmitted due to the lack of a 5 year land supply.

Comments that the democratic process in October 2017 should have sufficed but “by way of shortcomings made at Tax payers expense, the whole charade reappears due to the Council's inability to demonstrate its 5 year housing supply in locations far more suited”.

The previous committee meeting (17/01221/OUT) expressed concern about safe access, rat run and dangerous junction.

Questions:

- Developer's statement does not provide comprehensive information, despite this 28% of traffic still exceeds the speed limit.
- Believes the number of vehicles speeding would be 40%.

Objects to the proposal on the grounds of:

- Chippenham has no infrastructure or services/facilities to cope with additional houses.
- Proposal is not in keeping with the historical form of the village.
- Proposal would damage the village edge.
- Chippenham is only seeking infill development.
- Proposal would not comply with policies Growth 2, ENV1 or ENV2.
- Access point is unsafe and is in area of speeding.
- Covenants on the land are to preserve the agricultural/equestrian land.

1 Scotland End – (3 July, different occupant) The resubmission of the application so soon shows disrespect.

The applicant has now included a traffic survey report but this does not overcome the previous reason for refusal.

The developer's report clearly demonstrates there is a speeding problem in front of the proposed access road.

The developer's report shows that the Councillor's who knew the area were wise to reach their decision as there is a correlation between spend and risk of serious injuries.

The proposal would lead to the loss of character of Chippenham and the gradual erosion of this historical small village, as well as the character of the village edge.

The proposal is not supported by either the current or submitted Local Plans.

The village envelope has been carefully considered.

The village does not have the services, facilities or infrastructure to support 5 additional dwellings.

(27 July 2018) Does not consider the amended plan to be accurate and relies on 37 High Street removing some of their trees and shrubs. Also requires the removal of a street sign and telegraph pole.

(17 August 2018) Seeks that the developer undertakes an ecology survey in order to ensure it is carefully scrutinised.

2 Scotland End – (1 July 2018) Objects to the proposal on the following grounds:

- “perplexed as to why this new application has been accepted and validated” as it has already been refused by Planning Committee (4 October 2017) and no changes have been made to this proposal.
- The Access Statement cannot be used by the Local Planning Authority unless it enters into a contractual agreement with SLR Consulting Ltd.
- The Local Planning Authority encouraged more dwellings on site before Planning Committee refused the application on good reasons.
- A single dwelling might be more acceptable.
- Local Planning Authority did not take any notice of covenants on the land.
- Developer as submitted the application in order to fulfil the Local Planning Authority’s housing shortfall rather than listening to local people.
- Previous letters of refusal in regards to 17/01221/OUT resubmitted (can be viewed on Council’s website).

(22 July 2018) raises objections to access amendment on the grounds of:

- Shows no separation between vehicles and pedestrians and object to this on grounds of safety.
- States that there is no provision for the turning of large waste/recycling collection vehicles and this will create a danger to pedestrians.
- 01-04 Revision B has been altered by hand, which has caused some confusion.
- Neither 01-4 revision A or B shows the current high hedge, which is in place to the right of the proposed access. The high hedge is under the ownership of 37 High Street, this plus potential future items are intrusive with the visibility of the junction.
- There is on street parking, which forces traffic using the roadway to travel in the centre of road.
- The roadway immediately at the proposed access has no continuous footpath, which causes highway safety concerns.
- Vans park outside 37 High Street to service the Openreach exchange box that will clearly block visibility.

- The visibility splays cross the front of 37 High Street.
- Drivers would be required to nose out to achieve clear visibility splays.
- The existing highway conditions plus the proposed access would result in an increase risk of collisions.
- Drawings 01-01, 01-2 and 01-3 have not been revised.
- The applicant has given an incorrect address for the proposal which is misleading and an offence appears to have been committed as can be seen on the Certificates and Notice served.

(1 August) Provides further objection to the development:

- The lack of reconsultation with the Council's Waste Team.
- No comments received by the Conservation Officer.
- Not all the drawings have been amended.
- Existing hedge under ownership of 37 High Street.
- Site address is incorrect.
- Certificate B was not correctly sent to the relevant landowner (County Council).
- Local Highways Authority has accepted liability for the developer's highways information.

5 Scotland End – (2 July 2018) Seeks to highlight that the developer's traffic report is misleading. They have estimated that the report concludes that 16% - 54% of vehicles during the busiest hours are speeding.

Also believes the developer has under estimated the number of cars the development will add to the high street. Developer says 3 vehicles, while residents suggests 5 for four bedroom properties.

Objects on the following reasons:

- Junction of Chippenham Road and B1104 is dangerous.
- Village is used as a shortcut by commuter traffic.
- A dedicated speed watch team has been set up to try and deal with speeding vehicles through the village.
- The proposal will affect the land bank, which was installed due to the number of accidents at this junction.
- There are chevrons on the land bank that will block views of traffic exiting the proposed entrance.
- Proposal will make nearby driveways suffer due to the increase in use.
- There are large amounts of development in Isleham and Fordham that will add to rush hour traffic.
- Proposal will lead to traffic accidents.

5 Scotland End - (3 July 2018, different occupant) Has written in to express concerns over the proposal. Wishes to make the following points:

- Surprised that this application has been made while the previous application (17/01221/OUT) is still being considered at appeal.
- The developer's traffic survey date shows that vehicles are speeding.
- Proposal still creates an additional risk to road safety.

- 30.33% of traffic was in excess of 31mph, with a maximum speed of 56mph past the proposed site entrance.
- Proposed access is very close to the existing 60mph speed limit.
- The High Street is used as a rat run.
- The land bank introduced to reduce visibility and speed will be affected by the proposed access.
- The chevrons will block visibility of those using the proposed entrance.

9 Scotland End – (30 July 2018) Objects to this proposal on the grounds of:

- Danger to drivers and pedestrians.
- Speeding in to the village.
- Access road appears to be single file, which would create problems especially for larger vehicles.
- Is not in keeping with the village vision.
- If approved the rest of the paddock might be built on.
- The site is outside of the village development plan.
- There is a covenant on the land.
- There is not the amenities within the village to cater for more housing and the services are already at capacity.
- Questions landownership.
- Proposal would damage the conservation area.
- “We personally have many birds and hedgehogs who visit our garden and this habitat would be gone”
- How is it possible to have two applications for the same development?

9 Scotland End – (23 July 2018, different occupant) Presents the following views:

- Having moved recently into the area finds the access in and out of Scotland End dangerous.
- Cars are constantly exceeding 30 miles per hour.
- Made worse by the redevelopment of 37 High Street.
- Another side street will only add to the risk of a serious accident.
- Entering Chippenham the road has a grass bank to try and slow drivers. Changes will make this less effective and will add to the risk of drivers and pedestrians.
- There is a covenant on the land restricting it to agricultural use only.
- Does not comply with the village vision.
- Village does not have the amenities to support development of this size.

10 Scotland End – (10 July 2018) The application is identical to 17/01221/OUT.

The additional information submitted only highlights the danger of speeding traffic into Chippenham.

Additional housing in Fordham and Isleham will add to commuter traffic.

The developer’s highlight that only 3 vehicles entering/leaving the site per day, this is considered to be totally unrealistic.

Chippenham does not have the infrastructure to support additional dwellings.

11 Scotland End – (8 July 2018) Is confused as to why this application has been accepted for consideration when it is identical.

Objects to this proposal on the grounds of:

- The speed survey confirms the well known speeding problem in the village.
- An additional junction cannot be considered to be safe.
- With the application more than 5 dwellings could be built and this should be taken into account.
- Chippenham has very limited village services and facilities.
- Seeks a site visit by the Council.

11 Scotland End (different occupant) – (12 July 2018) Is confused to why this application has been accepted when the previous is currently at appeal. Raises the concerns of:

- The developer's data highlights the well known speeding problem in the village.
- An additional junction will cause highway safety issues.
- More than five dwellings might be built.
- Chippenham does not have the services or facilities to cope with the development.

15 Scotland End – (9 July 2018) Comments that the proposal looks identical to the refused application of the previous refusal on site.

The application still does not demonstrate a safe access can be achieved or taken into account the high levels of traffic on this road.

The submitted data clearly shows the amount of speeding traffic.

Chevrons and the raised grass banking to reduce speed will affect the visibility of the new access.

While the traffic report states the road is only at 50% capacity this is far busier than what is expected for a rural village.

Large developments in Fordham and Isleham will only add to commuter traffic going through the village.

The number of predicted cars entering/leaving the site is very low.

Local services and facilities cannot cope with additional dwellings.

15 Scotland End – (10 July 2018, different occupant) The previous application was refused on highway safety grounds.

Analysis of the submitted traffic survey data it only serves to reinforce that this application should be refused on highway safety grounds.

The amount of traffic using the High Street at peak times makes it difficult for pedestrians to cross, as well as raising other pedestrian safety concerns.

The nearby chevrons and raised grass banked area will reduce visibility for potential occupants of the proposed development.

19 Scotland End – (12 July 2018) Does not see how the concerns of 17/01221/OUT have been overcome.

Proposal would exacerbate traffic danger and Chippenham is already used as a rat run.

The village does not have the infrastructure to cope with additional dwellings.

37 High Street – (12 July 2018) The proposal is exactly the same as previously refused (17/01221/OUT).

The new information confirms that is already known in that vehicles entering the village speed.

Wishes to raise the following points in regards to access on to the High Street:

- Cars parked along the High Street already cause other vehicles to negotiate them.
- High volumes of traffic during peak period.
- Another access will add to highway safety risk.
- Proposal will affect the purposefully designed speed bank.
- The proposed visibility splays will be affected by the existing hedge and will go over the exit footpath of No.37.
- No consideration has been given to pedestrians.
- Might affect the safety of horse riders.

States: "I am disappointed the ECDC, whom we have been advised are extremely busy, have got time to process this application seriously, I can only surmise they have to be seen to be considering every application to fulfil their targets"

Wants committee to consider their comments relating to 17/01221/OUT, as part of this application and the appeal.

(25 July 2018) – Disagrees with the case officer's positioning of the site notice and recommends a closer telegraph pole within a hedge.

The site location description takes focus away from the site being paddock land.

Submitted drawing does not show their hedge, which will impact visibility.

The visibility splays will cut across the access to No.37 and if a kerb is paced will completely eliminate No.37s driveway.

The proposed access drawing does not show other junctions, thus making it appear it will cause less of an impact.

Proposal will lead to significant and detrimental risk to themselves and their visitors entering and leaving their property.

40 High Street – (12 July 2018) Expresses confusion to why this application is being considered.

Objects to the proposal on the grounds of:

- Is not supported by current or proposed local plans and should be rejected on this alone.
- Chippenham has a lot of greenfield land within the village envelope and this should be built on.
- There is already plenty of other development in more sustainable villages.
- There is a covenant on the land.
- The site form part of the attractive countryside that can be publically viewed.
- Proposal will add to highway safety risk.
- Will create noise and light pollution.
- Will disturb birds.
- Traffic generation will be higher than developer's prediction that might cause disturbance to No.37.
- Developer's report has highlighted the speeding problem.

6 Manor Farm Barns – (7 August 2018) Objects to the proposal on the grounds of:

- Highway safety concerns.
- Would add to the difficulty to the access in and out of Manor Farm Barns.
- The Conservation Area and Listed Buildings will be negatively affected.
- Old trees opposite the site that would be affected.
- Chippenham Fen and biodiversity would be negatively affected.
- Consultation has not been wide enough.
- Would grow and be out of proportion to the village.
- Services would be unable to cope with additional development.
- The appeal should be declined.

6.0 The Planning Policy Context

6.1 East Cambridgeshire Local Plan 2015

GROWTH 1	Levels of housing, employment and retail growth
GROWTH 2	Locational strategy
GROWTH 3	Infrastructure requirements
GROWTH 4	Delivery of growth
GROWTH 5	Presumption in favour of sustainable development
HOU 1	Housing mix
HOU 2	Housing density
ENV 1	Landscape and settlement character
ENV 2	Design
ENV 4	Energy efficiency and renewable energy in construction
ENV 7	Biodiversity and geology
ENV 8	Flood risk

ENV 9	Pollution
ENV 11	Conservation Areas
ENV 12	Listed Buildings
ENV 14	Sites of archaeological interest
COM 7	Transport impact
COM 8	Parking provision
EMP 5	Equine development
EMP 6	Development affecting the horse racing industry

6.2 Supplementary Planning Documents

Developer Contributions

Design Guide

Contamination

Cambridgeshire Flood and Water

6.3 National Planning Policy Framework 2018

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 places

14 Meeting the challenge of climate change, flooding and coastal change

15 Conserving and enhancing the natural environment

16 Conserving & enhancing the historic environment

6.4 Submitted Local Plan 2017

LP1 A presumption in Favour of Sustainable Development

LP2 Level and Distribution of Growth

LP3 The Settlement Hierarchy and the Countryside

LP6 Meeting Local Housing Needs

LP9 Equine Development

LP10 Development Affecting the Horse Racing Industry

LP16 Infrastructure to Support Growth

LP17 Creating a Sustainable, Efficient and Resilient Transport Network

LP18 Improving Cycle Provision

LP22 Achieving Design Excellence

LP23 Water Efficiency

LP24 Renewable and Low Carbon Energy Development

LP26 Pollution and Land Contamination

LP27 Conserving and Enhancing Heritage Assets

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

LP30 Conserving and Enhancing Biodiversity and Geodiversity

LP31 Development in the Countryside

7.0 PLANNING COMMENTS

7.1 Principle of Development

7.2 The Council cannot currently demonstrate a robust five year housing supply and therefore the policies within the Local Plan relating to the supply of housing should not be considered up-to-date. In light of this, applications for housing development, such as this one, should be considered in the context of the presumption in favour of sustainable development as set out in paragraph 11 of the National Planning Policy Framework (NPPF).

7.3 The key considerations in determining this application are therefore; whether any adverse impacts would significantly and demonstrably outweigh the benefits of the development when assessed against the policies in the NPPF taken as a whole, and against the policies within the Local Plan which do not specifically relate to the supply of housing; or, whether any specific policies within the NPPF indicate that the development should be restricted.

7.4 It should be noted that Paragraph 11 does not overrule any specifically protected land as identified in the NPPF, this includes:

- Green Belt
- Local Green Space
- SSSIs
- Compensatory land for biodiversity protection on habitat sites
- Listed Buildings and other designated heritage assets
- Areas of specific archaeological importance

7.5 While the proposal is outside of the village framework it is adjacent to the framework and has access by public footpath into the village, which makes the site relatively sustainable within the village.

7.6 While adjacent to the Conservation Area and in close proximity to a Listed Building it will have a neutral impact upon the character and importance of these historical assets.

7.7 The site is not a SSSI, area designated for habitat protection, designated as Local Green Space or Green Belt. In addition with only a pre-commencement archaeological investigation required the site is not considered to be of specific archaeological importance.

7.8 The proposal is, therefore, considered in principle to be acceptable as it provides a small provision of dwellings in the village that will help the district meet its requirement to provide a continuous 5 year land supply of housing.

7.9 Sustainability

7.10 As mentioned above the Council cannot demonstrate a five year land supply, which means that many of the settlements within the district will need to find additional land for dwellings. A shortfall in dwellings within an area greatly harms social and economic sustainability, as the area cannot provide a home for everyone or a strong

local work force. Having to travel long distance between home and work can also lead to environmental damage, if private motorised vehicles are required.

- 7.11 Both the Adopted and Submitted Local Plans focus development on (or around) the more major settlements of Ely, Soham and Littleport. The growth of each settlement has been carefully considered to ensure that development is suitably spread across the district. The need to provide dwellings for those that work (or want to work) within the area will lead to settlements growing in size. However, the Adopted Local Plan does not currently demonstrate enough housing stock for the demand in the district and the Submitted Local Plan only has limited weight as it is still going through the examination process.
- 7.12 With the proposed level of development being relatively very small the impact on any services or facilities will be negligible, thus not creating significant or demonstrable harm to these services to warrant refusal. The development will also be liable to pay Community Infrastructure Levy (CIL) in order to help finance much needed infrastructure/service improvements within the district.
- 7.13 The site is defined as greenfield. With this district being mostly greenfield sites, it would be impractical to rely primarily on brownfield sites to provide housing given the nature of the district and the number of dwellings needing to be provided.
- 7.14 The loss of private paddock land of this size is not considered to have an adverse impact upon the horse racing industry within the district.
- 7.15 With the size of the development it is expected that any approved dwellings would provide renewable energy or energy efficiency measures above the basic standard in accordance with policy ENV4 of the adopted Local Plan and policies LP23 and LP24 of the Submitted Local Plan 2017.
- 7.16 The need to use a vehicle in a district that is mostly rural is not considered to cause significant and demonstrable harm, with the site being adjacent to the village framework.
- 7.17 The proposal for five dwellings is considered to be an acceptable increase to the housing stock in Chippenham that will not lead to an unsustainable level of growth within the settlement.
- 7.18 Highway Safety
- 7.19 This proposal seeks an access onto the Chippenham High Street to be determined, designed to meet the requirements of a shared use road. A shared use road is designed in order to allow pedestrians and vehicles to use the road together, which can generally serve a maximum of 14 dwellings and should be designed with a 6m road width, with two 0.5m wide maintenance strips; drawing 01-4 Rev B meets this requirement plus will allow 1.5m x 1.5m pedestrian visibility splays to be provided within the site.
- 7.20 The Local Highways Authority have confirmed that the inter-vehicular visibility splays are entirely within land that they control and for this reason do not need to be conditioned; any changes to land levels or landscape is therefore already under the

control of the Local Highways Authority. The proposed road width is in excess of that required to allow two cars to pass, but this is due to the need to provide pedestrians/vehicles room to manoeuvre.

- 7.21 The Access Statement submitted by the developer includes a traffic count and speed survey that demonstrates that the majority of the people using the road obey the speed limit past the site. It stated that between 16 November 2017 – 22 November 2017:
- 6587 vehicles travelled past the site travelling between 26 – 30 mph
 - 2903 vehicles travelled past the site travelling between 21 – 25 mph
 - 808 vehicles travelled past the site travelling between less than 6mph – 20mph
- 7.22 It also stated that a large proportion of drivers break the speed limit past the site:
- 4450 vehicles travelled past the site travelling between 31 -35mph
 - 1692 vehicles travelled past the site travelling between 36-40 mph
 - 551 vehicles travelled past the site travelling between 41 – 50 mph.
 - 26 vehicles travelled past the site travelling over 51 mph.
- 7.23 While it is noted that many drivers are breaking the speed limit, it is not for the developer or the Local Planning Authority to police this matter. It would be extremely unreasonable to expect a small development to either overcome this existing problem or seek to enforce national laws. The application must be assessed on its own merits, as an access for five dwellings onto a 30mph road.
- 7.24 It is noted and should be praised that local residents are trying to get attention (and improvements) to ensure that speed limits through their village are obeyed. The potential CIL money from this development to the Parish Council may help in funding road calming measures.
- 7.25 The developer has stated that during the AM rush hour peak 2 cars will enter the public highway and 2 will arrive during the PM peak period based on village TRICS data. While it is accepted that each dwelling will likely have two cars per property, they will not all enter on to the High Street at the same time. In addition to this the High Street is stated at operating at around 50% capacity during peak hours.
- 7.26 The Case Officer has discussed this application with the Local Highways Authority on several occasions in order to provide clarity and certainty on the acceptability of an access and what conditions would be needed if the application was approved.
- 7.27 The NPPF states that “Development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe”
- 7.28 The decision maker is therefore tasked to consider the development and can only refuse on highway safety grounds if it would cause an unacceptable impact. The issue highlighted by both the developer and residents makes it clear that the fundamental unacceptable impact is not caused by the development but drivers travelling through Chippenham. With no objections from the Local Highways

Authority refusing the application now could be considered to be unreasonable and place the Council at significant risk of costs being awarded against it.

- 7.29 With the site connecting up to the public footpath into the village it would be unreasonable to require the developer to fund additional footpath improvement in order to overcome an existing problem of lack of a safe route to the Public Rights of Way; this is also not made necessary by the development.
- 7.30 The remainder of the material issues were discussed and considered during the previous application, but for ease of reference are covered below.
- 7.31 The proposal, subject to conditions, is in accordance with COM7 and COM8 of the East Cambridgeshire Local Plan 2015 and LP17 of the Submitted Local Plan 2017
- 7.32 Visual Impact/Historic Environment
- 7.33 The proposal is all matters reserved, apart from access, so many of the details submitted by the developer are indicative only and should not form part of the approved plans.
- 7.34 The proposal has a density of approximately 12 dwellings per hectare (4.7 per acre), which is a very low density and in keeping with a village edge location.
- 7.35 The character of this part of Chippenham has been largely defined by the adjacent development of Scotland End that projects significantly northeast wards. This is similar in nature to Tharp Way in Chippenham, located on the eastern access/exit to the village. The character of Chippenham on its northern side is cul-de-sac roads projecting into the countryside, which this proposal seeks to follow and for this reason is in keeping with the character of Chippenham.
- 7.36 There is no reason to consider that at reserved matters stage there will be any problems designing suitable dwellings that will either preserve or enhance the streetscene.
- 7.37 The site is adjacent to a conservation area but its impact is considered to be neutral. This is due to the side and rear boundaries of 37 and 38 High Street providing a strong visual separation between the site and the conservation area. The listed building to the southwest is considered to be too far away and of an obscure angle to be affected by this proposal.
- 7.38 The impact on the historic environment is considered to be neutral to negligible.
- 7.39 An archaeological pre-commencement condition is considered to be entirely reasonable in order to ensure there is no archaeological artefacts within the site.
- 7.40 The proposal is considered to comply with policies ENV1, ENV2, ENV11 and ENV12 of the Adopted Plan as well as Policies LP22 and LP27 of the Submitted Local Plan and Chapter 16 of the NPPF.
- 7.41 Residential Amenity

- 7.42 With scale and layout not being agreed at this stage it grants flexibility, if the application is approved, to protect residential amenity at the reserved matters stage.
- 7.43 37 High Street does not have any habitable windows that face directly towards the access; vehicle movements to and from the proposed development is unlikely to cause detrimental harm to No.37's residential amenity.
- 7.44 With the location of the site it is very unlikely that the dwellings will have any impact upon any other property's residential amenity but this will need to be ensured at reserved matters stage(s).
- 7.45 Conditions regarding construction hours and potential contamination are considered reasonable; as it will protect both existing and future residents.
- 7.46 It is considered that all the plots will be able to be designed with suitable amenity space, layout and scale come a reserved matters application. There are no concerns in regards to residential amenity that would warrant refusal.
- 7.47 The proposal, subject to conditions, is in accordance with policy ENV2 of the East Cambridgeshire Local Plan 2015 and LP22 of the Submitted Local Plan 2017.
- 7.48 Ecology
- 7.49 The likelihood of protected species on the site is extremely low (as the site is used as paddocks) and the proposal is unlikely to have a detrimental impact upon biodiversity. Some species might cross the site or use the site as a food source, but the small scale of the site means the proposal again is unlikely to affect the habitats of local fauna. The developer provided an ecology report on the 30 August 2018 that backs up the view that the only potential detrimental impact is if development took place in the small area of scrub land during bird nesting season. A condition could be added in order to prevent nesting birds being disturbed.
- 7.50 It is considered reasonable to add a biodiversity enhancement condition to any approval. This could include but not limited to hedgehog holes in fences, bird/bat boxes and nectar rich/fruit planting.
- 7.51 The proposal, subject to enhancement condition, is in accordance with policies ENV1, ENV2 and ENV7 of the East Cambridgeshire Local Plan 2015 and LP28, LP22 and LP30 of the Submitted Local Plan 2017
- 7.52 Flood Risk and Drainage
- 7.53 The site is located within floodzone 1 and therefore the risk of flooding is very low. With a lack of detail on surface and foul water drainage, a condition would be required to ensure that appropriate drainage was brought forward before any occupation. This is required in order to prevent water pollution or localised surface water drainage issues.
- 7.54 Proposal, subject to a condition, is in accordance with policies ENV2 and ENV8 of the East Cambridgeshire Local Plan 2015 and LP22 and LP25 of the Submitted Local Plan 2017

- 7.55 Other Material Matters
- 7.56 Private legal agreements on the land are not a matter for the Local Planning Authority and hold no weight in the determination of this application. It must also be noted that any decision by this Authority does not overrule any current legal agreement nor does it grant any right to damage/interfere with public utilities. If permission is granted separate consents are likely to be required.
- 7.57 The site description is considered to accurately describe the site's location and it is considered all landowners of the site have been properly notified (though this is the responsibility of the developer).
- 7.58 The site notice was put up in a reasonable location close to the site and where people were likely to see it. Letters and a notice in the local paper was also used to consult the wider public.
- 7.59 There is no reason to believe that a future reserved matters application would not be able to provide two parking spaces per dwelling in accordance with policy COM8 of the adopted Local Plan.
- 7.60 RECAP Guidance supports those collecting waste or recycling to go onto private land in order to collect it. There is no requirement for residents to bring their waste/recycling to the highway edge under planning policy. If the developer is wanting an internal road to be adopted it will need to provide a layout that includes a turning head in order to allow large vehicles to enter and leave in a forward gear. The Local Planning Authority usually requires any road built that serves five or more dwellings to be built to adoptable standards, which the developer should note if future reserved matters are submitted.
- 7.61 Questions have been raised to why the Local Planning Authority is considering this application. The Local Planning Authority is duty bound to consider all applications submitted to it and must approve an application unless there are clear reasons to why permission should be withheld. The only time the Local Planning Authority can refuse to determine an application is if there is required information missing at point of submission or if the exact same application is consistently being submitted. With access being submitted for consideration there is a fundamental difference to 17/01221/OUT where all matters were reserved and seeks to overcome the reason for refusal. The Local Planning Authority does, therefore, need to consider this application carefully in order to determine if it is acceptable in planning terms.
- 7.62 Questions have also been raised by the drawing 01-4 Rev B. The Case Officer corrected this drawing to ensure it referred to revision B in all relevant places. It is not considered that this change has affected the quality in the consideration of this proposal and is therefore immaterial to the determination of this application.
- 7.63 Conclusion
- 7.64 The proposal is considered to provide a reasonable level of housing growth within the village of Chippenham and without a five year land supply this should be

considered to be a significant benefit. It has also been demonstrated that a safe access can be achieved onto a 30mph public highway.

- 7.65 The main detrimental harm identified is drivers travelling into the village breaking the speed limit, which is outside the control of both the developer and the Local Planning Authority as part of this application.
- 7.66 The only harm identified that is both a planning matter and cannot be mitigated via a condition is that the scheme is outside of the village framework, which has very limited weight while the Council cannot demonstrate a five year housing supply. With the substantial need for additional housing within the district, which is having a continuous negative impact on the sustainability of the district additional areas for housing are needed. The number of dwellings is considered to be a reasonable provision within the village, where local services could adapt to the small increase in pressure on those services.
- 7.67 All other concerns raised can be dealt with by condition or do not demonstrate that there is significant or demonstrable harm from this proposal.
- 7.68 The application is, therefore, recommended for approval as the merits significantly outweigh the harm.
- 8.0 APPENDICES
- 8.1 Appendix 1 – Suggested Conditions

<u>Background Documents</u>	<u>Location</u>	<u>Contact Officer(s)</u>
18/00781/OUT	Andrew Phillips Room No. 011	Andrew Phillips Senior Planning Officer
17/01221/OUT	The Grange Ely	01353 665555 andrew.phillips@ea stcambs.gov.uk

National Planning Policy Framework -

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

East Cambridgeshire Local Plan 2015 -

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

APPENDIX 1 - 18/00781/OUT Conditions

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

Plan Reference	Version No	Date Received
01 - 4	Rev B	13th July 2018
01-1		14th June 2018

- 1 Reason: To define the scope and extent of this permission.
- 2 Approval of the details of the Appearance, Landscaping, Layout and Scale (hereinafter called "the reserved matters") shall be obtained from the Local Planning Authority in writing before any development is commenced, and shall be carried out as approved. Application for approval of the reserved matters shall be made within 3 years of the date of this permission.
- 2 Reason: The application is for outline permission only and gives insufficient details of the proposed development, and to comply with Section 92 of the Town and Country Planning Act 1990.
- 3 The development hereby permitted shall be commenced within 2 years of the date of the approval of the last of the reserved matters.
- 3 Reason: To comply with Section 92 of the Town and Country Planning Act 1990, as amended.
- 4 Prior to or as part of the first reserved matters application, an energy and sustainability strategy for the development, including details of any on site renewable energy technology and energy efficiency measures, shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved strategy.
- 4 Reason: To ensure that the proposal meets with the requirements of sustainability as stated in policy ENV4 of the East Cambridgeshire Local Plan 2015 and LP23 and LP24 of the Submitted Local Plan 2017. This condition is pre-commencement as some of the measures may be below ground level.
- 5 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.
- 5 Reason: To protect and enhance species in accordance with policies ENV1, ENV2 and ENV7 of the East Cambridgeshire Local Plan 2015 and LP28, LP22 and LP30 of the Submitted Local Plan 2017.
- 6 No development shall take place until an investigation and risk assessment of the nature and extent of any contamination on the site, whether or not it originates on the site, has been undertaken. The investigation and risk assessment must be undertaken

by competent persons, and a written report of the findings must be submitted to and approved in writing by the Local Planning Authority. The report of the findings must include:

- (i) A survey of the extent, scale and nature of contamination;
- (ii) An assessment of the potential risks to: human health, property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes; adjoining land; groundwaters and surface waters; ecological systems; archaeological sites and ancient monuments;
- (iii) An appraisal of remedial options, and proposal of the preferred option(s).

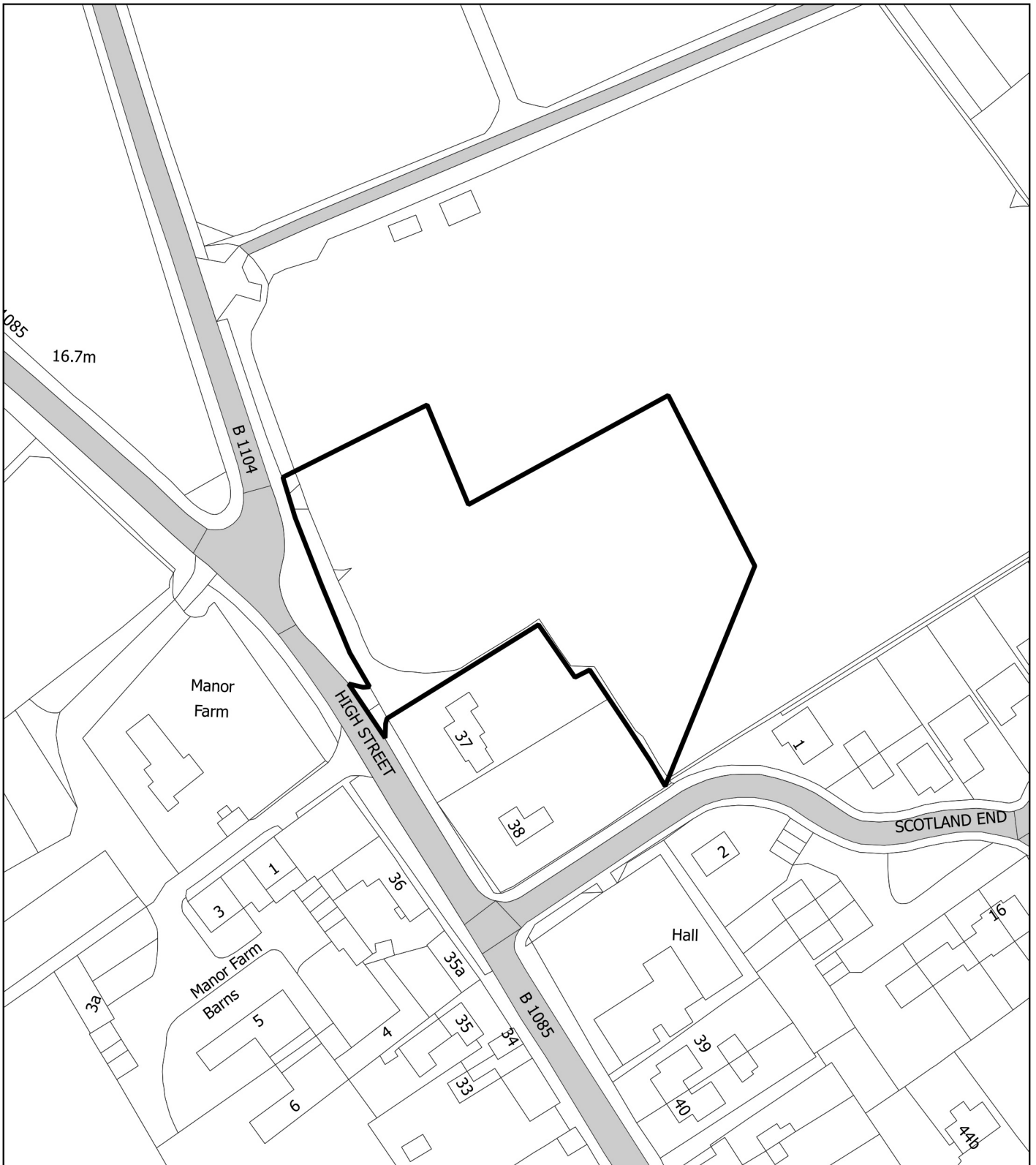
This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'. Any remediation works proposed shall be carried out in accordance with the approved details and timeframe as agreed in writing by the Local Planning Authority.

- 6 Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors, in accordance with policy ENV9 of the East Cambridgeshire Local Plan 2015 and LP26 of the Submitted Local Plan 2017. The condition is pre-commencement as it would be unreasonable to require applicants to undertake this work prior to consent being granted.
- 7 In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported to the Local Planning Authority within 48 hours. No further works shall take place until an investigation and risk assessment has been undertaken and submitted to and approved in writing by the Local Planning Authority. Where remediation is necessary, a remediation scheme must be submitted to and approved in writing by the Local Planning Authority. The necessary remediation works shall be undertaken, and following completion of measures identified in the approved remediation scheme a verification report must be prepared, and approved in writing by the Local Planning Authority.
- 7 Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors, in accordance with policy ENV9 of the East Cambridgeshire Local Plan 2015 and LP26 of the Submitted Local Plan 2017.
- 8 Construction times and deliveries, with the exception of fit-out, shall be limited to the following hours: 08:00 - 18:00 each day Monday-Friday, 08:00 - 13:00 Saturdays and none on Sundays, Public Holidays or Bank Holidays.
- 8 Reason: To safeguard the residential amenity of neighbouring occupiers, in accordance with policy ENV2 of the East Cambridgeshire Local Plan 2015 and LP22 of the Submitted Local Plan 2017.
- 9 No development shall take place within the area indicated until the applicant, or their agents or successors in title, has secured the implementation of a programme of

archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved in writing by the local planning authority.

- 9 Reason: To ensure that any archaeological remains are suitably recorded in accordance with policy ENV14 of the East Cambridgeshire Local Plan 2015 and LP27 of the Submitted Local Plan 2017. The condition is pre-commencement as it would be unreasonable to require applicants to undertake this work prior to consent being granted.
- 10 Prior to or with the first reserved matters a detailed Arboricultural Impact Assessment (AIA) shall be submitted and approved in writing by the Local Planning Authority. The (AIA) shall provide information to show how trees/hedging worthy of retention would be sustainable and justification and mitigation measures for any tree removal proposed. The AIA shall identify areas to be excluded from any form of development, specify protective fences for these exclusion areas and for individually retained trees, life expectancy of trees, recommendation for any remedial work, identify acceptable routes for all mains services in relation to tree root zones, identify acceptable locations for roads, paths, parking and other hard surfaces in relation to tree root zones, suggest location for site compound, office, parking and site access, identify location(s) for replacement planting and show existing and proposed levels. All works shall be carried out in accordance with the agreed AIA.
- 10 Reason: To ensure that the trees on site are adequately protected, to safeguard the character and appearance of the area, in accordance with policies ENV1 and ENV2 of the East Cambridgeshire Local Plan 2015 and LP22 and LP28 of the Submitted Local Plan 2017. The condition is pre-commencement in order to ensure that the protection measures are implemented prior to any site works taking place to avoid causing damage to trees to be retained on site.
- 11 No development shall take place until a scheme to dispose of foul and surface water has been submitted to and approved in writing by the Local Planning Authority. The scheme(s) shall be implemented prior to first occupation of any dwelling.
- 11 Reason: To prevent the increased risk of flooding and to improve and protect water quality, in accordance with policies ENV2 and ENV8 of the East Cambridgeshire Local Plan 2015 and LP22 and LP25 of the Submitted Local Plan 2017. The condition is pre-commencement as it would be unreasonable to require applicants to undertake this work prior to consent being granted and the details need to be agreed before construction begins.
- 12 Prior to the commencement of the use hereby permitted visibility splays of 1.5m x 1.5m shall be provided each side of the vehicular access measured from and along the edge of the public highway. Such splays shall thereafter be maintained free from obstruction exceeding 0.6m above the level of the highway verge.
- 12 Reason: In the interests of highway safety, in accordance with COM7 and COM8 of the East Cambridgeshire Local Plan 2015 and LP17 of the Submitted Local Plan 2017. The condition is pre-commencement as it would be unreasonable to require applicants to undertake this work prior to consent being granted.

- 13 The access and all hardstanding within the site shall be constructed with adequate drainage measures to prevent surface water run-off onto the adjacent public highway and retained in perpetuity.
- 13 Reason: To prevent surface water discharging to the Highway, in accordance with policies ENV2, ENV7 and COM7 of the East Cambridgeshire Local Plan 2015 and LP17, LP22 and LP30 of the Submitted Local Plan 2017.
- 14 Development shall comply during the entire construction period with the recommendations contained within Castle Hill Ecology letter received on the 30 August 2018.
- 14 Reason: To protect and enhance species in accordance with policies ENV1, ENV2 and ENV7 of the East Cambridgeshire Local Plan 2015 and LP28, LP22 and LP30 of the Submitted Local Plan 2017.



18/00781/OUT

Land Northeast of
37 and 38 High Street
Chippenham



East Cambridgeshire
District Council

Date: 07/09/2018
Scale: 1:1,200



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MAIN CASE

Reference No: 18/00840/OUT

Proposal: All matters reserved except access for the redevelopment of the farmyard, buildings and associated land for up to 6 self build plots.

Site Address: College Farm Main Street Wentworth Ely Cambridgeshire CB6 3QG

Applicant: Agreserves Ltd

Case Officer: Andrew Phillips, Planning Team Leader

Parish: Wentworth

Ward: Haddenham

Ward Councillor/s: Councillor Steve Cheetham
Councillor Mark Hugo
Councillor Stuart Smith

Date Received: 18 June 2018 **Expiry Date:** 13 August 2018

[T106]

1.0 **RECOMMENDATION**

1.1 Members are recommended to approve the application, subject to the following conditions:

- 1 Approved Plans
- 2 Reserved Matters
- 3 Time Limit - OUT/OUM/RMA/RMM
- 4 Sustainable development -General Outline
- 5 Biodiversity Improvements
- 6 Surface and foul water
- 7 Archaeology
- 8 Self Build
- 9 Passing bay
- 10 Access Drainage
- 11 Access construction
- 12 Road layout
- 13 Fire hydrants
- 14 Construction Environmental Management Plan (CEMP)
- 15 Construction hours
- 16 Potential contamination
- 17 Unexpected contamination

2.0 SUMMARY OF APPLICATION

- 2.1 The proposal seeks permission for 6 self build units at the end of Main Street that would involve the demolition of the existing barn on site. This is an outline application with only access seeking to be determined at this stage.
- 2.2 The application has been amended during the application to remove some of the passing bays in order to overcome concerns raised in regards to character and tree protection, in addition the developer has provided an updated statement on biodiversity.
- 2.3 An extension of time was requested to take it to the 24 September 2018 committee but the developer would only accept an extension of time to take it to the first September committee.
- 2.4 The application has come to Planning Committee as the local District Councillors are seeking to refuse the application and officers' recommendation is one of approval.
- 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 <http://pa.eastcambs.gov.uk/online-applications/>. **Alternatively a paper copy is available to view at the East Cambridgeshire District Council offices, in the application file.**

3.0 PLANNING HISTORY

3.1

17/01559/OUT	Outline application with all matters reserved except access for the redevelopment of the farmyard, buildings and associated land for up to 6 self build plots	Refused	19.12.2017
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Planning application 17/01559/OUT has been appealed by the developer, but no Inspector has yet been appointed.

A planning application (17/00770/OUM) for 15 self build plots was submitted but withdrawn on the 26 July 2017.

4.0 THE SITE AND ITS ENVIRONMENT

- 4.1 The site has a country track that connects onto Haddenham Road to the east but the main entrance to the site is via Main Street.

- 4.2 Main Street is a single track lane that has several Tree Preservation Orders (TPO) either side of the road. There is also a TPO in the small copse of trees adjacent to the site entrance.
- 4.3 The site is defined by a large barn structure with the rest of the site defined primarily by wild grasses. To the north of the site are the existing dwellings along Main Street, while open countryside is located to the south and west of the site.
- 5.0 RESPONSES FROM CONSULTEES
- 5.1 The full responses are available on the Council's web site.

Wentworth Parish Council – Seeks outright refusal on the grounds of:

- Is more supportive of barn conversion through Class Q if construction traffic comes from Haddenham Road and building footprint is kept the same.
- Seeks infill development not backfill.
- Outside development envelope.
- Proposal does not promote community cohesiveness.
- Proposal does not pay CIL and therefore will not help fund infrastructure improvements for the village.
- Proposal is an incongruous and isolated development.
- Greenfield land should be protected and other infill plots should be developed first.
- Harm to the rural openness of the site when viewed from the public right of way.
- Would urbanise the rural landscape.
- The 2015 Local Plan stated 11 new dwellings by 2031 and 12 properties have already gained planning permission.
- The character of Main Street is road fronting properties, backfill development is not in keeping.
- Impact on residential amenity for example noise, traffic and light pollution.
- Passing places are unacceptable.

(updated comments) No parishioners have requested passing bays and we do not feel it necessary for the village.

Additional passing bays will fundamentally change the traditional nature of the street and many increase speed limits.

Proposed passing bay still does not reference planning permission 17/00854/FUL, it will also effect street furniture.

Seeks refusal on this application.

Cllr Steve Cheetham – (17 July 2018) Supports Wentworth Parish Council in that 6 self build dwellings is unacceptable and should be outright refused.

The development is not appropriate for the village where only infill development is sought. We wish to promote village community through developing the centre of the village rather than building on the edges.

The proposal is outside of the village envelope.

Proposal does not comply with Paragraph 55 of the NPPF, as it will do nothing to promote community cohesiveness in the village.

This proposal would lead to approximately 20% increase along Main Street through backfill development.

The proposal would compromise an incongruous and isolated form of development that would harm the character and appearance of the local landscape.

Proposal would lead to the unnecessary loss of greenfield and if additional development is needed should be through infill.

Proposal would have a demonstrable and significant impact upon the openness of this village edge both from the Public Right of Way and the adjacent properties.

Proposal would lead to a significant and demonstrable harm to the character and appearance of the local area through urbanisation.

The Local Plan 2015 stated that the village will have 11 additional properties by 2031; already 12 have been approved. Seeks the Local Planning Authority to protect the village from ongoing uncontrolled growth.

Proposal goes against the pattern of development within the village.

Proposal will have a detrimental impact upon the residential amenity of nearby residents.

Passing Bays are not acceptable along Main Street.

Cllr Mark Hugo – (17 July 2018) Completely concurs with Cllr Cheetham.

Historic Environment Team – (2 July 2018) States the site is within an area of high archaeological potential and seeks a pre-commencement condition.

Tree Officer – (12 July 2018) States that there is a number of protected trees along Main Street that are potentially impacted upon by the additional passing bay and a small group of trees impacted at the site entrance.

While an Arboricultural Constraints Plan has been submitted objects to the proposal as the impact has not been fully assessed.

The passing bays to improve traffic flow have been sited adjacent protected trees and advises amendments to reduce the impact upon the trees.

If no revision is submitted developer will need to demonstrate how the trees are to be protected.

(6 August 2018) Looked at the drafted plans from the developer and stated they should be ok.

Local Highways Authority – (11 July 2018) It has no objection to this proposal. If the trees are affected then the construction and methodology must be agreed with itself.

Seeks conditions in regards to provision of passing bays and turning and parking within the site.

(20 August 2018) It has no objection in principle to this application and proposed passing bay should be conditioned in accordance with drawings.

Waste Strategy (ECDC) – (26 June 2018) It is likely that the roadway will not be adopted and this might cause problems with collection points.

East Cambs will not enter private property and the proposal must comply with RECAP Waste Management Design Guide (residents should only move a wheeled bin a maximum of 30 metres).

Provides standard advice on bin provision.

Infrastructure & Strategy Manager - ECDC - No Comments Received

Asset Information Definitive Map Team - No Comments Received

CCC Growth & Development - No Comments Received

Cambridge Ramblers Association - No Comments Received

5.2 Neighbours – 20 neighbouring properties were notified and the responses received are summarised below. In addition a site notice was put up on the 2 July 2018 and a notice put in the press on the 5 July 2018. A full copy of the responses are available on the Council's website.

Churchfield Main Street – (4 July 2018) Occupants oppose the proposal on the following grounds:

- Application relies heavily on the lack of 5 year housing supply. The proposal goes against both the local people and Council's long term plans.
- Reiterates ECDC's earlier refusal at Sunny Acre Main Street (17/01370/OUT) where five dwellings were refused on urbanising impact to the detriment of the village character.
- The passing bays are unacceptable as it would change the nature of the village, which is defined by a single track rural road for a small community.
- Passing bay 3 will be outside their home which would lead to more traffic stopping and starting in front of their property. It is also placed on a bend, which will lead to reduced visibility.
- Passing bays will add to surface water risk, which might impact on an ancient wall.
- More road and less green verge will harm bee population.
- The proposed dwellings will detrimentally harm village character.

Cambrian Cottage Main Street – (17 July 2018) The application should be refused on the following grounds:

- Outside of the development envelope.
- Live next to the site and proposal would detrimentally harm their residential amenity due to (but not limited to) construction noise, additional traffic, loss of privacy and light pollution.
- There are 49 properties in Wentworth. 12 already approved and a further 6 would lead to an unacceptable increase in the size of the village.
- Not in keeping with the villages character or rural setting.
- No detail of layout or location of the 6 plots.
- Construction work could be over a long period of time.
- Main Street is a narrow single track road with limited passing bays.
- The proposed passing bays would harm the rural street setting.
- No footpath along Main Street, proposal could harm pedestrian safety.
- Limited street lighting, again concern for pedestrian safety.
- Site is mainly a greenfield and a wide range of animal species that use it.

3 Church Farm Close – (18 July 2018) Recommends outright refusal on the grounds of:

- Outside of development envelope. Unclear why this site was not put forward in the recent call for sites. The plan suggests infill rather than backfill.
- The Local Plan 2015 stated that Wentworth would provide 11 homes by 2031 and already 12 additional properties have been granted approval.
- Main Street is narrow single track road with limited passing bays and no room for a pedestrian footpath.
- Proposal will increase risk to pedestrian safety.
- No CIL is payable due to nature of self build plots.
- Submitted ecology survey does not accurately reflect the site.
- Proposal will lead to a large increase in traffic using Main Street and it is already difficult to join A142.
- With no public transport in the village, only unsustainable methods can be relied on.
- Detrimental impact to character of local area.
- Building on Greenbelt.
- Need to ensure that adjacent properties are not overlooked.
- Local Primary School is full.
- Is not sure if sewer system can cope with proposal.
- Would rather the developer went down the barn conversion route.
- All construction traffic should enter the site from Haddenham Road.
- Any agreed development should be limited to the footprint of the existing buildings.

Vine Cottage Main Street – (16 July 2018) The inability for the Council to demonstrate a 5 year housing supply is once again blighting people's lives in Wentworth.

Seeks that the application is refused outright on the grounds of:

- Application is similar to what was refused last time.

- Already 12 applications in village, additional growth would not be fair for such a small village.
- Site is outside village envelope.
- Detrimently alter the feel of the village and cause light pollution.
- No public or community services within Wentworth to support the proposal and therefore reliance on unsustainable transport options.
- Self Builds do not pay CIL money.
- There is more suitable road frontage land available throughout the district.
- Under Class Q is interested to see if barn could be converted.

Cambrian Cottage Main Street – (16 July 2018) Objects to the proposal on the grounds of :

- Seeks replacement of barn or potential conversion (Class Q) of the barn for five dwellings but asks if this is a sensible use of a building in this location.
- The reduction from 15 units to 6 have been agreed in principle with East Cambs DC but it still unacceptable encroachment beyond the natural boundaries of the village. Thus causing harm to the rural character of the area.
- Additional passing bays are not currently necessary. If more are required then this shows the level of traffic generated. Main Street currently works as there is no through traffic and people maintain it. It is not just a matter of highway safety but also of village character.
- Development should be in the centre of the village not at the edge.

Finlaggan Church Road – (16 July 2018) Raises objections to the proposal on the grounds of:

- Will destroy views of nearby residents.
- Cause disturbance due to traffic (noise and pollution).
- Strongly opposed to development outside of the village envelope.
- Lack of detailed plans means each reserved matters will need to be carefully checked to ensure it is acceptable.
- No facilities beyond its Church. Proposal does nothing to enhance our community.
- Barn conversion appears lesser of two evils.
- Wentworth is a special character, as it remains a peaceful contained village. This proposal will turn the village into a generic Cambridge village.

(16 July 2018) Objects to the proposal on the grounds of:

- Ruin outlook.
- Harm to residential amenity due to noise and other disruptions.
- Increase in traffic will be immense.
- Wentworth has been able to maintain the beauty of a small village.

College Farm Main Street – (16 July 2018) Seeks outright refusal on the following grounds:

- Outside of the development envelope and allow for urban sprawl.
- Local Plan 2015 expected Wentworth to provide 11 dwellings by 2031, it has already provided 12 without spreading into the countryside.

- Village is mentioned in the Doom Day Book and the Council should offer protection from uncontrolled urbanisation.
- The character of Main Street is fronting dwellings not backland development.
- Proposal will do nothing to community cohesiveness in the village as required by paragraph 55 of the NPPF.
- View from the Fens will be significantly eroded, which is detrimentally harmful to the character of Wentworth.
- No details of the proposed housing and privacy issues will need to be checked each time a dwelling is submitted.
- Proposal will cause noise and light pollution to their property as well as traffic generation.
- Amount of traffic generated will cause detrimental harm to the character of the village.
- Still believes there is a significant concern to safety caused by construction traffic.
- If the application was approved under Class Q this should be via the back road to the site.
- Passing bay 1 is lined with mature trees. How will it be created without damaging the trees.
- Passing Bay 2 is close to protected trees and cannot see now it would be installed without damaging the trees.
- Passing Bay 3 appears to be built on a ditch.
- The substation passing place is frequently used for parking, so cannot be used as a passing place.
- Wentworth never requested the passing bays.
- Main Street is narrow and adds to the beauty of the village. Passing bays will reduce the tranquillity of the area and potentially introduce road safety issues.
- Disagrees with the Ecology report. The proposal will lead to the destruction of some of the foraging areas that bats use, as well as creating light pollution. Bat survey was done at the wrong time of year and should be done between May – September. Proposal has not accurately reflected impact on reptiles.

Perseverance Cottage Main Street – (14 July 2018) The occupants object to the proposal on the ground of:

- This backland development will lead to sprawl impacting on the character of the village.
- Should not be allowed to raise money for the developer.
- Sites that front Main Street should be developed.
- There are still ten properties to be developed in the village.
- No CIL money would be collected from this development.
- The Bat survey should be done again.
- The site benefits from a variety of wildlife.
- Provides corrections to the developers Planning Statement.
- No suitable busses to get to Cambridge or Ely.
- Access (right turn) onto the A142 is difficult and can take 5 minutes.
- Traffic study was done in mid July so will not provide an accurate reflection.
- Would rather see a barn conversion under Class Q.
- Construction traffic could damage their house as it has no foundations.

- Seeks construction traffic to be via Haddenham Road.
- Standing water is a significant problem in the village.
- No need for passing bays but does seeks a speed reduction to 20 mph.

Dove Cottage Main Street – (17 July 2018) Seeks outright refusal on the grounds of:

- Infill development is supported, backfill development is not.
- Development should be in the centre of the village not the outskirts.
- Outside of the development envelope.
- Proposal does not promote community cohesiveness.
- Proposal will contribute through CIL.
- Development is large when compared to the existing village size.
- Development would be incongruous and isolated.
- Greenfield land should be protected.
- Would damage the openness of this part of the village.
- Would lead to an urbanising impact and harm the character of the area.
- In the Local Plan 2015 the village was expected to provide 11 dwellings by 2031 and 12 have already been approved.
- Backfill development is out of keeping with the streetscene.
- Will harm residential amenity of adjacent properties.
- Passing bays along Main Street are unacceptable

6.0 The Planning Policy Context

6.1 East Cambridgeshire Local Plan 2015

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

6.2 Supplementary Planning Documents

Design Guide
Cambridgeshire Flood and Water
Contamination
Developer Contributions

6.3 National Planning Policy Framework 2018

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

6.4 Submitted Local Plan 2017

- LP1 A presumption in Favour of Sustainable Development
- LP2 Level and Distribution of Growth
- LP3 The Settlement Hierarchy and the Countryside
- LP6 Meeting Local Housing Needs
- LP16 Infrastructure to Support Growth
- LP17 Creating a Sustainable, Efficient and Resilient Transport Network
- LP18 Improving Cycle Provision
- LP20 Delivering Green Infrastructure, Trees and Woodland
- LP22 Achieving Design Excellence
- LP23 Water Efficiency
- LP24 Renewable and Low Carbon Energy Development
- LP25 Managing Water Resources and Flood Risk
- LP26 Pollution and Land Contamination
- LP28 Landscape, Treescape and Built Environment Character, including Cathedral Views
- LP30 Conserving and Enhancing Biodiversity and Geodiversity

7.0 PLANNING COMMENTS

7.1 Principle

7.2 The Council cannot currently demonstrate a robust five year housing supply and therefore the policies within the Local Plan relating to the supply of housing should not be considered up-to-date. In light of this, applications for housing development, such as this one, should be considered in the context of the presumption in favour of sustainable development as set out in paragraph 11 of the National Planning Policy Framework (NPPF).

7.3 The key considerations in determining this application are therefore; whether any adverse impacts would significantly and demonstrably outweigh the benefits of the development when assessed against the policies in the NPPF taken as a whole, and against the policies within the Local Plan which do not specifically relate to the supply of housing; or, whether any specific policies within the NPPF indicate that the development should be restricted.

7.4 With the Council having very little brownfield, the vast majority of development is needing to be located on the edges of settlements. It is also considered better to be building on greenfield sites at this stage rather than reducing the Greenbelt in order

to build closer to Cambridge. The small loss of agricultural land is not considered to be detrimental, it is unlikely that this size of land will be used due to modern agricultural practices.

- 7.5 A shortfall in dwellings within an area greatly harms social and economic sustainability, as the area cannot provide a home for everyone or a strong local work force.
- 7.6 Without a structural survey it is unknown if the barns could be converted into dwellings under a prior notification process and in addition the contaminated reports present additional questions; therefore no weight is placed upon this argument as the barns have not been shown as being convertible and that is not the application submitted.
- 7.7 The village of Wentworth is very small described in the Submitted Local Plan as:
- “Wentworth is a small village 5 miles west of Ely. The village is centered on St Peters Church. Within the vicinity of the church are a number of listed buildings. There are limited facilities within Wentworth, however, there is a children’s play area, and part of the church is used as a village hall/community room... There are no housing allocations in Wentworth. Any new housing, therefore, is likely to be built on suitable 'infill' sites within the village.”
- 7.8 The proposal is not an infill site but is replacing an existing relatively large barn on site and is on the edge of the village framework. It is noted that the Parish is isolated and does not have services beyond what the Church provides. Both existing and proposed houses within the village would be considered to be unsustainable in regards to the need to own private vehicles to access services, facilities and employment. However, this development is small and provides much needed self build plots that are usually only provided on the much larger housing schemes or come forward as one/two plots. In addition while the Council does not have a five year land supply, it is likely that all of the villages will need to take additional housing to help cover the current shortfall.
- 7.9 Paragraph 78 of the NPPF makes it clear that additional dwellings can help maintain the vitality of rural communities and that services can be located in a nearby settlement. In this case the neighbouring villages of Sutton and Witchford offer a range of services and facilities to the village of Wentworth.
- 7.10 On balance it is considered that the proposal is of a suitable size within the village, though will be a substantial increase in the housing stock of such a small village. The need for additional housing in this case outweighs the unsustainable location of the village and on this grounds is considered to be acceptable in principle.
- 7.11 Highway Safety
- 7.12 The proposal for 6 dwellings will provide little additional traffic along Main Street. While it is likely that each dwelling will have two cars, they are very unlikely to leave or enter the site at the same time.

- 7.13 The developer has stated that there will be an approximate increase in 5 vehicle movements at peak times along Main Street, which is a very minor increase.
- 7.14 It is noted that currently Main Street is a narrow lane, which has limited passing spaces. The developer is seeking to provide one additional passing bay near 1 Main Street. The proposed passing bay will be adjacent to an approved driveway for a new dwelling (17/00854/FUL) but should not interfere with this driveway.
- 7.15 There have been many concerns raised in regards to increasing the width of the lane, while it would be prudent to increase the road width in this one place it is not fundamentally needed to make the development acceptable but would certainly ensure that the development does not effect the flow of traffic along Main Street. A Grampian condition for the provision of the passing bay will be added, but if members consider this unnecessary then the condition could be removed. With the low level of predicted traffic, the passing bay might not need to be tarmacked and instead a grasscrete material could potentially be used; though this will under the control of the Local Highways Authority.
- 7.16 The proposed entrance to the site measures 5m in width with 0.5m verges either side and is designed to shared surface principles. While this is 1m below the usual width, no concern has been raised by the Local Highways Authority and with the low predicted number of car movements the case officer is in support of this view. Conditions should be added to ensure the developer complies with the submitted details and to ensure the whole road layout is provided in the first reserved matters application.
- 7.17 It is considered that sufficient parking for cars and cycles could be provided on each of the plots if reserved matters where to be submitted.
- 7.18 There is a Public Right of Way (PRoW) that starts at the end of Main Street and continues westwards away from the site. It is very unlikely that the proposed development will have any impact on the public footpath, as the traffic exiting the site will turn right (eastwards).
- 7.19 The proposal is considered to comply with COM7 and COM8 of the East Cambridgeshire Local Plan 2015 and LP17 of the Submitted Local Plan 2017.
- 7.20 Self Build Plots
- 7.21 The Local Planning Authority seeks to provide a wide range of housing types in order to provide homes for all of society; this usually includes housing mix, affordable housing but also includes self build units.
- 7.22 The proposed 6 self build plots could either be constructed individually or be bought by a group who all want to build their own homes.
- 7.23 The benefit of self build units is that each house is individually tailored to the needs of the person(s).
- 7.24 The provision of self build units rather than a generic development is to the merit of the application.

- 7.25 Visual Impact
- 7.26 This application is not determining scale, layout, design or landscape. It is only possible to consider potential impacts at this stage and whether the scheme could be successfully designed.
- 7.27 The proposal seeks a density of 5 dwellings per hectare (gross) or 2 dwellings per acre (gross). This density will ensure that the proposed dwellings are of a similar, if not slightly lower, density to those nearby on Main Street. The density of the scheme is, therefore, in keeping with the local area.
- 7.28 The site has a barn that takes up approximately 1/4 to 1/3 of the site, it is likely that the built form on the site will not dramatically increase, so the impact to the rural character of the area will be relatively minor. It is expected at this stage that the reserved matters applications will be of a rural appearance, potentially barn conversion style, but any design that enhances the character of the area should be looked favourably on. So while the development is back land development it is also replacing existing built form and is not an individual dwelling, as it would form a comprehensive development.
- 7.29 The proposal will lead to the loss of some trees due to the widening of the entrance road but these can be easily mitigated against by planting additional trees along the boundary; this can be secured at reserved matters.
- 7.30 The height of any of the proposed dwellings will unlikely be a problem from visual grounds, as the houses along Main Street are all two storey and it is unlikely anything taller would be permitted on this application site as it would likely cause residential amenity concerns.
- 7.31 The Council's Tree Officer has carefully considered the impact on the trees along Main Street and has concluded there will be no detrimental impact.
- 7.32 Private views are not a material consideration and hold no weight in the determination of this application. It is also unlikely that much of the development will be viable from the PRoW as the existing trees will block close views of the site and additional planting could be used to reduce longer distance views.
- 7.33 The proposal is considered to comply with ENV2 of the East Cambridgeshire adopted Local Plan April 2015 and LP22 of the Submitted Local Plan 2017.
- 7.34 Historic Environment
- 7.35 It is accepted that Main Street is a historical lane that has not been altered dramatically and does remain a traditional lane rather than a modern street. While it is not in itself a historical asset, its historical style is of importance. However, it should be noted that the addition of one relatively small passing bay will not detrimentally affect the overall character of the street. In addition the public benefit from the provision of 6 dwellings would outweigh the minor harm to the character of the area.

- 7.36 In connection with a concern raised by neighbours; it is accepted that older houses do not have foundations and that large vehicles might cause vibration. However, if this traffic was on the public highway the same could be caused by large farm vehicles. This is not considered to be a reasonable objection to withhold planning permission.
- 7.37 Residential Amenity
- 7.38 The proposal is a very low density scheme it should therefore be possible to design the 6 dwellings to ensure there is no detrimental overlooking, loss of light or overbearing impact to both existing and the proposed dwellings. The proposal will also need to comply with the requirements of the Design Guide.
- 7.39 It is understood that the development might cause some disturbance to residents and with a single width lane there is a reasonable concern that large vehicles might block the highway. However, conditions can be added to ensure that the developer has to provide a Construction Environmental Management Plan (CEMP) and keep construction work within set socially acceptable time periods.
- 7.40 It should be noted at this stage that construction traffic is more likely to use Main Street, then coming off Haddenham Road due to the 60 mph speed limit of this road. However, it will be for the CEMP to demonstrate that the safest reasonable option has been pursued.
- 7.41 The CEMP also needs to demonstrate that there will be no floodlighting, unless absolutely necessary for health and safety reasons in order to further protect residential amenity.
- 7.42 With the demolition of a barn being required and the developer's own report suggesting additional surveys during construction; it is considered advisable to add the Authority's standard contamination conditions on.
- 7.43 Proposal is considered to comply with policies ENV2 and ENV9 of the East Cambridgeshire Local Plan 2015 and LP22 and LP26 of the Submitted Local Plan 2017.
- 7.44 Ecology
- 7.45 With Ecology concerns raised during the determination of this application, the developer provided an additional biodiversity survey carried out on the 7 August 2018 in order to update those carried out in 2017. The ecologist stated there was no evidence of badgers, barn owls or bats using the site and the site is not suitable for reptiles or nesting birds.
- 7.46 The loss of some trees to form the entrance to the site is considered to cause negligible harm to biodiversity.
- 7.47 The provision of landscaping at reserved matters and a condition to provide biodiversity enhancement should ensure that the proposal adds to biodiversity rather than harming it. It is expected that the biodiversity enhancement measures

will include nectar rich planting, native hedges, hedgehog holes in fences and a range of bird/bat boxes.

- 7.48 The proposal is considered to comply with ENV1, ENV2 and ENV7 of the East Cambridgeshire Local Plan 2015 and LP28, LP22 and LP30 of the Submitted Local Plan 2017.
- 7.49 Flood Risk and Drainage
- 7.50 The site is in Floodzone 1, which is where development should be located.
- 7.51 In order to ensure that the proposal does not have any detrimental impact on surface water or water quality, conditions will need to be added to ensure that water is dealt with in appropriate manner.
- 7.52 Road water is matter for the Local Highways Authority and any road improvements would need to manage water run off. A condition should be added to ensure that the residential development does not drain onto the public highway.
- 7.53 The proposal is in accordance with policies ENV2 and ENV8 of the East Cambridgeshire Local Plan 2015 and LP22 and LP25 of the Submitted Local Plan 2017
- 7.54 Other Material Matters
- 7.55 With the proposal being for self build units no Community Infrastructure Levy (CIL) money will be raised either for the District or Parish Council, but this is no different to any other single dwelling built as a self build project. The lack of CIL money does not weigh against the application.
- 7.56 With the size of the scheme it is considered reasonable to require energy improvements above building standards to ensure the proposal meets with the requirements of sustainable development in accordance with policies ENV4 of the East Cambridgeshire Local Plan 2015 and LP23 and LP24 of the Submitted Local Plan 2017.
- 7.57 RECAP guidance does not stop the Authority collecting waste/recycling by going onto private land; it in fact allows the collecting Authority to go 25m (for normal household sized bins) onto private property to collect bins. The proposed access will allow bins to be stored relatively close to the public highway, though it will be expected at reserved matters stage for an appropriate sized turning head to be provided to an adoptable standard.
- 7.58 Planning Balance
- 7.59 The Council is not able to demonstrate a continuous five year land supply. This means that a decision must be based on whether there is any significant and demonstrable harm that outweighs the benefits of the proposal. The lack of a five year land supply has a substantial and detrimental impact upon social and economic sustainability in an area, as there are limited homes for a workforce to occupy.

- 7.60 In terms of delivering a personal choice of high quality homes, there is no reason that the site could not be delivered within the next five year period making a contribution to the District's housing land supply which would be a benefit to which considerable weight should be given.
- 7.61 The Council has a register (for those seeking a plot) in accordance with legislation (The self-build and custom housebuilding act 2015) and has to provide land for those people seeking to build their own home. The proposal provides self-build homes to meet this need.
- 7.62 The negatives of the proposal are that it is outside (though adjacent to) the village framework and while the proposal is only for six dwellings this is a relatively large development for such a small village. The creation of back land development does go against the character of development along Main Street but this is mitigated against by the removal of the modern barn and existing built form on the site.
- 7.63 The provision of a passing bay is considered to be a neutral impact, as while it is being offered it is not fundamentally needed and will lead to some change to the character of Main Street.
- 7.64 The proposal is considered to meet the requirements of sustainable development as defined with the NPPF, specifically paragraph 78.
- 7.65 On balance this application is recommended for approval, as subject to conditions the benefits outweigh the identified harm.
- 8.0 **APPENDICES**
- 8.1 Appendix 1 – Recommended conditions

<u>Background Documents</u>	<u>Location</u>	<u>Contact Officer(s)</u>
18/00840/OUT	Andrew Phillips Room No. 011 The Grange	Andrew Phillips Planning Team Leader
17/01559/OUT	Ely	01353 665555 andrew.phillips@ea stcambs.gov.uk

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

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

APPENDIX 1 - 18/00840/OUT Conditions

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

Plan Reference	Version No	Date Received
Location Plan		18th June 2018
6500-SK-002	C	7th August 2018

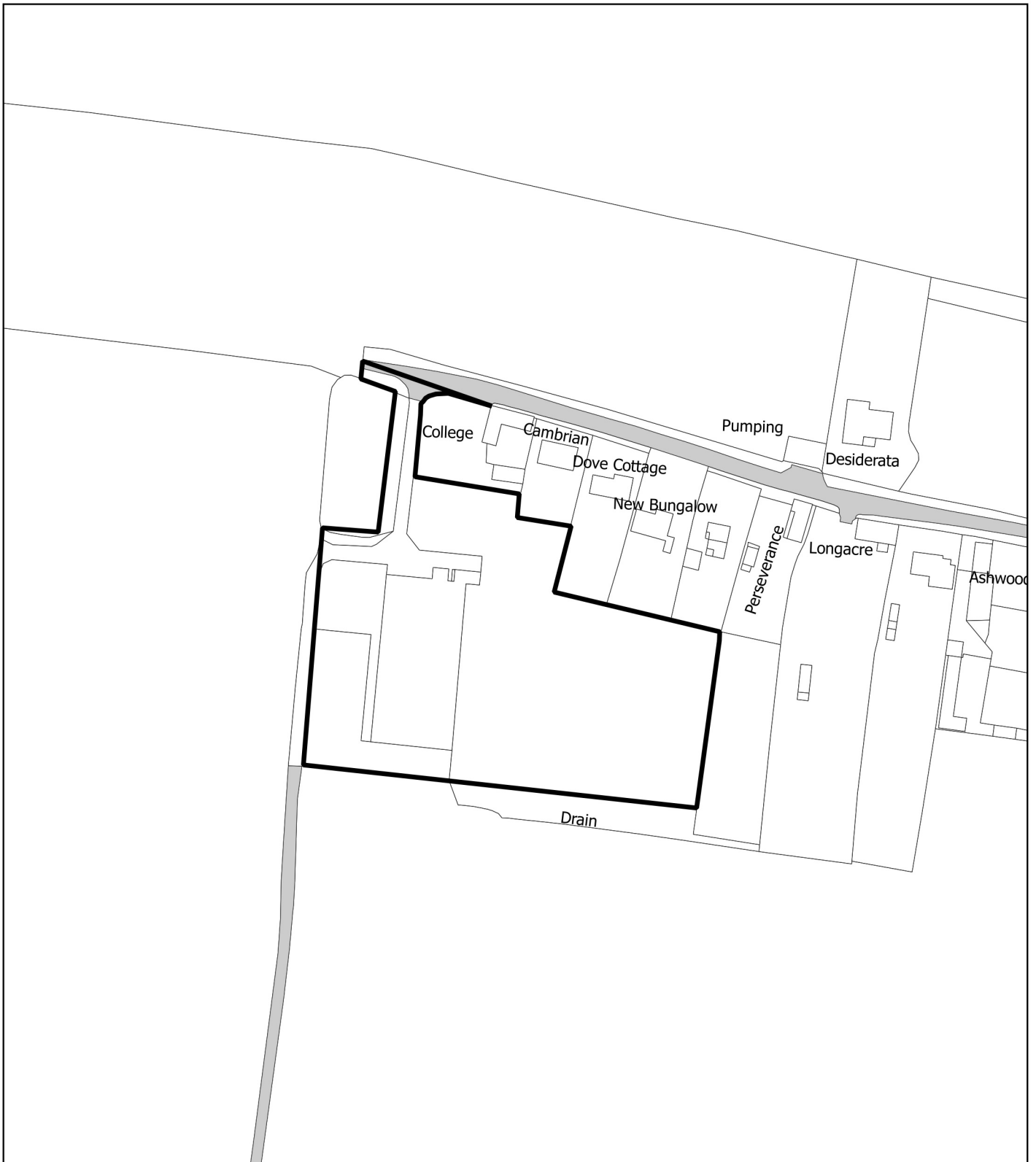
- 1 Reason: To define the scope and extent of this permission.
- 2 Approval of the details of the appearance, landscaping, layout and scale (hereinafter called "the reserved matters") shall be obtained from the Local Planning Authority in writing before any development is commenced, and shall be carried out as approved. Application for approval of the reserved matters shall be made within 3 years of the date of this permission.
- 2 Reason: The application is for outline permission only and gives insufficient details of the proposed development, and to comply with Section 92 of the Town and Country Planning Act 1990.
- 3 The development hereby permitted shall be commenced within 2 years of the date of the approval of the last of the reserved matters.
- 3 Reason: To comply with Section 92 of the Town and Country Planning Act 1990, as amended.
- 4 Prior to or as part of the reserved matters application, an energy and sustainability strategy for that plot, including details of any on site renewable energy technology and energy efficiency measures, shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved strategy.
- 4 Reason: To ensure that the proposal meets with the requirements of sustainability as stated in policy ENV4 of the East Cambridgeshire Local Plan 2015 and LP23 and LP24 of the Submitted Local Plan 2017. This condition is pre-commencement as some of the measures may be below ground level.
- 5 Prior to first occupation of a plot 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 that plot of the hereby approved development and thereafter maintained in perpetuity.
- 5 Reason: To protect and enhance species in accordance with policies ENV1, ENV2 and ENV7 of the East Cambridgeshire Local Plan 2015 and LP28, LP22 and LP30 of the Submitted Local Plan 2017.
- 6 No development shall take place until a scheme to dispose of surface and foul water has been submitted to and approved in writing by the Local Planning Authority. The scheme(s) shall be implemented prior to first occupation to which the scheme relates to.

- 6 Reason: To prevent the increased risk of flooding and to improve and protect water quality, in accordance with policies ENV2 and ENV8 of the East Cambridgeshire Local Plan 2015 and LP22 and LP25 of the Submitted Local Plan 2017. The condition is pre-commencement as it would be unreasonable to require applicants to undertake this work prior to consent being granted and the details need to be agreed before construction begins.
- 7 No development shall take place within the area indicated until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved in writing by the local planning authority.
- 7 Reason: To ensure that any archaeological remains are suitably recorded in accordance with policy ENV14 of the East Cambridgeshire Local Plan 2015 and LP27 of the Submitted Local Plan 2017. The condition is pre-commencement as it would be unreasonable to require applicants to undertake this work prior to consent being granted.
- 8 The development hereby permitted consists of solely self-build dwellings as defined in the Custom Housebuilding Act 2015.
- 8 Reason: The applicant has requested that the development be undertaken in a phased manner for the purposes of CIL and the application has been determined on this basis.
- 9 Prior to first occupation of any dwelling the passing bay as shown on Section B of drawing number 6500-SK-002 Rev C shall be constructed to Cambridgeshire County Council specification.
- 9 Reason: To ensure that the highways end appearance is acceptable and to prevent the roads being left in a poor/unstable state, in accordance with policies COM7 and ENV2 of the East Cambridgeshire adopted Local Plan April 2015 and LP17 and LP22 of the Submitted Local Plan 2017. This is a Grampian condition, as the land in question is controlled by the Local Highways Authority.
- 10 The access and all hardstanding within the site shall be constructed with adequate drainage measures to prevent surface water run-off onto the adjacent public highway and retained in perpetuity.
- 10 Reason: To prevent surface water discharging to the Highway, in accordance with policies ENV2, ENV7 and COM7 of the East Cambridgeshire Local Plan 2015 and LP17, LP22 and LP30 of the Submitted Local Plan 2017.
- 11 The access shall be built in accordance with drawing number 6500-SK-002 Rev C prior to first occupation of any dwelling.
- 11 Reason: In the interests of highway safety, in accordance with COM7 and COM8 of the East Cambridgeshire Local Plan 2015 and LP17 of the Submitted Local Plan 2017.
- 12 The first reserved matters application shall provide details of the entire road layout for all 6 plots.

- 12 Reason: In the interests of highway safety, in accordance with COM7 and COM8 of the East Cambridgeshire Local Plan 2015 and LP17 of the Submitted Local Plan 2017.
- 13 No development shall take place until a scheme for the provision and location of fire hydrants to serve the development to a standard recommended by the Cambridgeshire Fire and Rescue Service has been submitted to and approved in writing by the Local Planning Authority. The hydrants or alternative shall be installed and completed in accordance with the approved details prior to the occupation of any part of the development.
- 13 Reason: To ensure proper infrastructure for the site in the interests of public safety in that adequate water supply is available for emergency use. This is supported by paragraph 95 of the NPPF. The condition is pre-commencement as it would be unreasonable to require applicants to undertake this work prior to permission being granted, however, the information is needed prior to commencement in order to ensure that the necessary infrastructure is able to be provided.
- 14 Prior to any work commencing on the site a Construction Environmental Management Plan (CEMP) shall be submitted to and agreed in writing with the Local Planning Authority regarding mitigation measures for noise, dust and lighting during the construction phase. These shall include, but not be limited to, other aspects such as access points for deliveries and site vehicles, and proposed phasing/timescales of development etc. The CEMP shall be adhered to at all times during all phases.
- 14 Reason: To safeguard the residential amenity of neighbouring occupiers, in accordance with policy ENV2 of the East Cambridgeshire Local Plan 2015 and LP22 of the Submitted Local Plan 2017. The condition is pre-commencement as it would be unreasonable to require applicants to undertake this work prior to consent being granted.
- 15 Construction times and deliveries, with the exception of fit-out, shall be limited to the following hours 08:00 - 18:00 each day Monday-Friday, 08:00- 13:00 Saturdays and none on Sundays or Bank Holidays/Public Holidays.
- 15 Reason: To safeguard the residential amenity of neighbouring occupiers, in accordance with policy ENV2 of the East Cambridgeshire Local Plan 2015 and LP22 of the Submitted Local Plan 2017.
- 16 No development shall take place until an investigation and risk assessment of the nature and extent of any contamination on the site, whether or not it originates on the site, has been undertaken. The investigation and risk assessment must be undertaken by competent persons, and a written report of the findings must be submitted to and approved in writing by the Local Planning Authority. The report of the findings must include:
 - (i) A survey of the extent, scale and nature of contamination;
 - (ii) An assessment of the potential risks to: human health, property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes; adjoining land; groundwaters and surface waters; ecological systems; archaeological sites and ancient monuments;
 - (iii) An appraisal of remedial options, and proposal of the preferred option(s).

This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'. Any remediation works proposed shall be carried out in accordance with the approved details and timeframe as agreed in writing by the Local Planning Authority.

- 16 Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors, in accordance with policy ENV9 of the East Cambridgeshire Local Plan 2015 and LP26 of the Submitted Local Plan 2017. The condition is pre-commencement as it would be unreasonable to require applicants to undertake this work prior to consent being granted.
- 17 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.
- 17 Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors, in accordance with policy ENV9 of the East Cambridgeshire Local Plan 2015 and LP26 of the Submitted Local Plan 2017.



18/00840/OUT

College Farm
Main Street
Wentworth



East Cambridgeshire
District Council

Date: 07/09/2018
Scale: 1:2,000



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MAIN CASE

Reference No: 18/00914/OUT

Proposal: Residential development of four dwellings, garaging, parking, access and associated works.

Site Address: 34 Market Street Fordham Ely Cambridgeshire CB7 5LQ

Applicant: Mr M Cornwell

Case Officer: Oli Haydon, Planning Officer

Parish: Fordham

Ward: Fordham Villages

Ward Councillor/s:

Councillor Joshua Schumann

Councillor Julia Huffer

Date Received: 3 July 2018

Expiry Date: 25th September 2018

[T107]

1.0 RECOMMENDATION

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

1. The proposed development is located within an area defined as open countryside where development is strictly controlled and are only permitted where required to accommodate key agricultural, forestry or other essential countryside workers or to meet a local need for affordable housing/accommodation. No such need has been demonstrated in this case and the proposal would therefore be contrary to the Policy 1 (Housing Growth) of the Fordham Neighbourhood Plan 2016-2036, GROWTH2 of the 2015 Local Plan, Policy LP3 of the 2017 Submitted Local Plan and NPPF Paragraph 11.
2. The scheme would result in significant harm to the visual character of the area with the four residential units on the open paddock site eroding the natural landscape enjoyed by users of the surrounding public footpaths. Due to the visibility of the site from the nearby footpaths, the proximity of the protected woodland and the open and unique nature of the site in the relatively densely built area of Fordham the introduction of large-scale built form on the site would result in an undesirable hardening of the edge between the built-up extent of the village and the rural area. The proposal would also have a negative impact upon the openness, tranquillity and permeability of the area around Ironbridge Path and New Path. The proposal contravenes Local Plan (2015) Policies ENV1 and ENV2 and Submitted Local Plan (2017) Policies LP22 and LP28, the Design Guide SPD, NPPF Paragraph 12 and

2.0 SUMMARY OF APPLICATION

- 2.1 The application seeks outline planning consent for four dwellings, garaging and parking to the rear of 34 Market Street, Fordham. The matters of access and scale are to be considered at this stage, with the matters of appearance, landscaping and layout remaining as reserved matters. The plans state that the dwellings would be 5.8m in height, 19m in width and 14m in length.
- 2.2 The full planning application, plans and documents submitted by the Applicant can be viewed online via East Cambridgeshire District Council's Public Access online service, via the following link <http://pa.eastcambs.gov.uk/online-applications/>. **Alternatively a paper copy is available to view at the East Cambridgeshire District Council offices, in the application file.**
- 2.3 The application was 'called-in' to Planning Committee by Cllr Joshua Schumann 'in light of the fact that neighbouring applications have been considered by committee and this applications will be assessed with the current situation in terms of sustainable development'.

3.0 PLANNING HISTORY

3.1

17/01412/OUT	Four dwellings, garaging, parking, access and associated works	25.09.2017
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4.0 THE SITE AND ITS ENVIRONMENT

- 4.1 The site is located adjacent to the development envelope for Fordham, to the rear of 34 Market Street. The site currently comprises unused paddock land and is approximately 0.5ha in size.
- 4.2 To the north of the site, beyond the public footpath running along the northern boundary, is the 'Townsend Wood' Woodland Trust Reserve; a 1.9ha area of protected woodland. To the east of the site is open paddock land with residential development beyond.
- 4.3 Immediately adjacent to the site to the south-west is a recently approved development for two dwellings to the rear of 32 Market Street (15/00216/FUL). This application was refused at Planning Committee in June 2016 on the grounds of backland development, a visually dominant appearance, overlooking and issues with refuse collection. The application was appealed and subsequently allowed.
- 4.4 Beyond this site was a proposal for four dwellings off Ironbridge Path (17/01260/OUT) which was refused at Planning Committee on grounds of highway safety and impact to the character of the area.

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.

Asset Information Definitive Map Team - No Comments Received

Local Highways Authority – No objections subject to conditions.

County Archaeology – No objections subject to a condition securing a written scheme of investigation.

Senior Trees Officer - No Comments Received

Environmental Health – No objections subject to a construction hours condition.

Waste Strategy (ECDC) – ‘As the driveway will not be adopted all waste will need to be presented at the boundary of the adopted highway adjacent No.34 and we would be grateful if the applicant would advise where this will be collected from to avoid obstructing the driveway entrance or the public highway’.

Cambridge Ramblers Association - No Comments Received

Fordham Parish Council – “This proposed development is encroaching onto the local countryside. It will have a detrimental effect on Townsend Wood - Woodland Trust reserve. Over development of the site. Not part of the emerging local plan”.

Ward Councillors – Cllr Joshua Schumann stated: ‘In light of the fact that neighbouring applications have been considered by committee and this application will be assessed with the current situation in terms of sustainable development I would like the committee to consider it’.

5.2 **Neighbours** – 10 neighbouring properties were notified, an advert was placed in the Cambridge Evening News and a site notice was posted and the three responses received are summarised below. A full copy of the responses are available on the Council's website.

- Impact on neighbours privacy
- Impact on footpaths, open countryside and Townsend Wood Nature Conservation area
- Traffic and infrastructure issues
- Noise and disturbance
- Narrow access road
- Proposal not included in the Local Plan
- Impact of proposed parking spaces
- Will set a precedent

6.0 **The Planning Policy Context**

6.1 East Cambridgeshire Local Plan 2015

- ENV 1 Landscape and settlement character
- ENV 2 Design
- ENV 7 Biodiversity and geology
- ENV 8 Flood risk
- ENV 9 Pollution
- COM 7 Transport impact
- COM 8 Parking provision
- GROWTH 2 Locational strategy
- GROWTH 3 Infrastructure requirements
- GROWTH 5 Presumption in favour of sustainable development
- HOU 2 Housing density
- ENV 4 Energy efficiency and renewable energy in construction

6.2 Supplementary Planning Documents

Developer Contributions and Planning Obligations

Design Guide

Flood and Water

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

6.3 National Planning Policy Framework 2018

5 Delivering a sufficient supply of homes

12 Achieving well-designed places

14 Meeting the challenge of climate change, flooding and coastal change

6.4 Submitted Local Plan 2017

LP1 A presumption in Favour of Sustainable Development

LP2 Level and Distribution of Growth

LP3 The Settlement Hierarchy and the Countryside

LP6 Meeting Local Housing Needs

LP17 Creating a Sustainable, Efficient and Resilient Transport Network

LP22 Achieving Design Excellence

LP25 Managing Water Resources and Flood Risk

LP26 Pollution and Land Contamination

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

LP30 Conserving and Enhancing Biodiversity and Geodiversity

LP24 Renewable and Low Carbon Energy Development

6.5 Fordham Neighbourhood Plan - this Plan has been examined and is awaiting referendum

Policy 1: Housing Growth

Policy 2: Character & Design

Policy 5: Ironbridge Path & New Path Area

Policy 8: Wildlife and Habitats

Policy 10: Pedestrian Access & Public Rights of Way

Policy 11: Car Parking

7.0 **PLANNING COMMENTS**

7.0.1 The main considerations with the proposal are the principle of development, the visual impact, residential amenity, highway safety and parking. The matters of access and scale are to be considered at this stage, with the matters of appearance, landscaping and layout remaining as reserved matters.

7.1 **Principle of Development**

7.1.1 The application site lies adjacent to the defined development boundary. The development of the site for housing would therefore conflict with Policy GROWTH 2 and LP3 of the East Cambridgeshire Local Plan 2015 and Submitted Local Plan 2017 which seeks to focus new housing development within defined settlement boundaries. However, as the council cannot currently demonstrate a five year land supply for housing, policies GROWTH 2 and LP3 cannot be considered up to date in so far as it relates to supply of housing land. Due to its links and close proximity to the development envelope, the site is considered to be a sustainable location within walking distance of public transport and village facilities and with good links beyond to the larger service centres.

7.1.2 Neighbourhood planning was introduced in England through the Localism Act 2011 with legislation coming into effect in April 2012 through the Neighbourhood Planning (General) Regulations 2012. Section 1 (2) of the Neighbourhood Planning Act 2017 states that Section 70 of the Town and County Planning Act 1990 is to be amended to read as follows:

'In dealing with such an application [for planning permission] the authority shall have regard to:

- (a) the provisions of the development plan, so far as material to the application, *(aza) a post-examination draft neighbourhood development plan, so far as material to the application*
- (b) any local finance considerations, so far as material to the application, and
- (c) any other material considerations'

The Fordham Neighbourhood Plan (FNP) has *been* examined and the Council has now issued its decision in response to the examiner's recommendations and findings. In summary the examiner concludes that the Fordham Neighbourhood Plan, subject to a small number of modifications, satisfies the basic conditions and other legal requirements, and should proceed to referendum. This referendum is due to take place in November, in light of this late-stage in preparation, recent case-law dictates that the Neighbourhood Plan should be given significant weight.

7.1.3 Paragraph 125 of the NPPF states that neighbourhood plans can play an important role in identifying the special qualities of each area and explaining how this should be reflected in development. The FNP has been prepared to complement existing local, national and strategic planning policy, to provide additional detail and subtlety that reflect the special characteristics of Fordham that cannot reasonably be addressed by higher-level policy. It has been designed to help protect areas,

landmarks and services that are most important to the community. The Plan is intended to set out a local blueprint for how Fordham should develop sustainably in the best interest of the village, in the context of the wider Local Plan. The Plan acknowledges the housing growth requirement set out by the 2015 Local Plan and 2018 Submitted Local Plan to contribute to the national shortage of housing and accepts the growth level for Fordham, as established through housing allocations and the demarcation of a 'Development Envelope' for the village.

- 7.1.4 Policy 1: Housing Growth of the FNP also allows for windfall sites (of approximately 15%) of the village's housing requirement. These sites however are only acceptable within the Development Envelope (or outside if in accordance with 2015 Local Plan Policy GROWTH2). The development site lies outside of the development envelope for Fordham and thus the loss of land from the countryside would conflict with Policy 1 of the FNP. As previously stated, although the plan is not yet made, it has reached an advanced stage and attracts a commensurate level of weight. The scheme's policy contravention carries significant weight in the planning balance resulting in a recommendation for its refusal.

7.2 Residential Amenity

- 7.2.1 As the details of appearance and layout are not being considered, a limited assessment can be made regarding residential amenity in terms of overlooking and overbearing. Local Plan (2015) Policy ENV2, Submitted Local Plan (2017) Policy LP22 and Policy 2 of the FNP (Parts H and I) seek to ensure that development proposals have no significantly detrimental effect on the residential amenity of nearby occupiers.
- 7.2.2 The vehicular movements to and from the development site are likely to lead to a level of disturbance for the residents of 34 Market Street in the form of noise and vibration. The access road is separated by approximately 6m from the dwelling at Number 34 and a boundary fence demarcated the properties boundaries. It's considered that due to this separation, the fence and the infrequency of vehicle movements, along with the ability to ensure driveway details are appropriate by condition, that the level of disturbance on the residents of Number 34 is within reasonable limits. Furthermore, the impact of glare from headlights on the residents of 33 and 35 Market Street opposite the site is unlikely to be significantly harmful to residential amenity due to the likely infrequency and small number of vehicular movements arising from the four dwellings.
- 7.2.3 The proposed footprint would appear to allow for sufficient garden/plot sized in accordance with the 2012 Design Guide SPD. When layout is to be assessed, adequate separation distances should be provided to avoid significant loss of privacy and harmful overbearing on neighbouring occupiers and any surrounding residents.
- 7.2.4 A full assessment of residential amenity impact will be made at the reserved matters stage. However, in principle, the scheme appears to adequately avoid harm to the amenity of nearby occupiers.

7.3 Visual Amenity

- 7.3.1 Whilst layout, landscaping and appearance remain as reserved matters, an assessment of the visual impact, in principle, of four large dwellings can be assessed at this stage. Local Plan (2015) Policies ENV1 & ENV2, Submitted Local Plan (2017) Policies LP22 & LP28 and Policy 5 and Policy 2 of the FNP (Parts A,B,C,E) seek to ensure that development proposals make efficient use of land while respecting the density, landscape and character of the surrounding area and ensure that the location, layout, scale, form, massing and materials relate sympathetically to the surrounding area and each other.
- 7.3.2 The site currently comprises open paddock land to the rear of the two-storey dwelling at 34 Market Street. The site is located adjacent to a public footpath with protected woodland beyond to the north. The site forms part of a larger cluster of paddock and greenspace between Market Street, River Lane and Mill Lane.
- 7.3.3 A larger site to the south was refused planning permission (17/01260/OUT) due to the impact the four-dwelling proposal would have on this open area. It was cited that *"The site is on the transition between the urban areas of Fordham and is an area of open space within the village. The proposed siting and layout of these dwellings would not have any particular visual or physical affinity with the existing pattern of development. The proposal would result in an undesirable hardening of the edge between the built up extent of the village and the rural area. It can also be considered to be a large scale back-land development being read as behind the dwellings of No's 1-15 and 21-23 contrary to the Design Guide SPD. The proposed scheme would also be visible from the public realm with the footpath running along the south and east of the site"*.
- 7.3.4 The site immediately adjacent to the south was granted approval for two dwellings to the rear of 32 Market Street at appeal (15/00216/FUL) with the Planning Inspector stating that *"the appeal site currently forms part of the rear garden to 32 Market Street...the proposal would not substantially alter the appearance of the site and its immediate surroundings when viewed from the public realm"*. This site was an enclosed rear garden, with limited visibility from Market Street or the public footpaths beyond the site. It is considered that whilst the Planning Inspector may have accepted the principle of back-land development along Market Street, this current application is markedly different in its visual characteristics and visibility from the public realm. Although the height specified on the plans (5.8m) would indicate that the dwellings are to be single/1.5 storey, it is their presence on the site that remains an issue.
- 7.3.5 This area of Fordham is included in Policy 5 (Ironbridge Path & New Path Area) of the FNP as part of the village that should be protected. The policy states that any development proposals that would result in a negative impact upon the openness, tranquillity or permeability of the Ironbridge Path and New Path Area will not be permitted unless it can be demonstrated that the benefits of the proposal will significantly outweigh the harm caused and that adequate mitigation is provided to reduce the impact wherever possible. It is considered that due to the amount of built form proposed, that the scheme would lead to irreversible harm to the openness of this undeveloped area within Fordham.
- 7.3.6 It is considered that due to the visibility of the site from the nearby footpaths, the proximity of the protected woodland and the open and unique nature of the site in

the relatively densely built area of Fordham, that the introduction of large-scale built form on the site would result in an undesirable hardening of the edge between the built up extent of the village and the rural area. The scheme would result in significant harm to the visual character of the area and whilst details of appearance remain as a reserved matter, the mere presence of four residential units on this open paddock site would erode the natural landscape enjoyed by users of the surrounding public footpaths.

7.4 Highways Safety and Parking

7.4.1 The site's access would run along the northern boundary of 34 Market Street and follow the line of the footpath. The Local Highway Authority have raised no concerns to the proposal and sufficient parking is available within the site, although details of the site's layout are a reserved matter. The proposal, in its current form, accords with Policy COM7 and COM8 of the 2015 Local Plan and LP17 of the 2017 Submitted Local Plan along with Policy 11 (Car Parking) of the FNP. The County Council Asset Information Team have offered no comment on the impact of the scheme on the adjacent footpath.

7.5 Other Material Matters

7.5.1 Under 2015 Local Plan Policy ENV7, 2017 Submitted Local Plan Policy LP30 and FNP Policy 8 (Wildlife and Habitats) this application is required to protect biodiversity and geological value of land and buildings, and minimise harm to or loss of environmental features such as hedgerows and trees. The site is primarily an open paddock with trees and vegetation limited primarily to the northern boundaries. Given this the site itself is considered to have limited ecological value and due to the limited impact on boundary treatments again impact is considered to be minimal. A biodiversity enhancement condition can be attached to any granting of permission and landscaping would be dealt with through a reserved matters application. The impact on the trees within the Townsend Wood' Woodland Trust Reserve are unlikely to be *directly* harmed as a result of the scheme.

7.5.2 2015 Local Plan Policy ENV8 and 2017 Submitted Local Plan Policy LP25 requires all new applications to demonstrate that appropriate drainage arrangements can be accommodated within the site. A scheme to deal with foul and surface water can be secured by way of condition. The site is within Flood Zone 1 where all residential development should be steered and thus a flood risk assessment would not be required.

7.5.3 A condition relating to unexpected contamination due to the sensitive residential end use will be utilised to ensure compliance with Policies ENV9 (2015 Local Plan) and LP26 (2017 Submitted Local Plan).

7.6 Planning Balance

7.6.1 The proposal represents a form of development close to the settlement of Fordham although defined as countryside in the Fordham Neighbourhood Plan and within LP "Policy GROWTH 2: Locational Strategy" of the adopted Local Plan and "Policy LP3: The Settlement Hierarchy and the Countryside" in the emerging Local Plan 2017. The scheme would provide four additional dwellings built to modern,

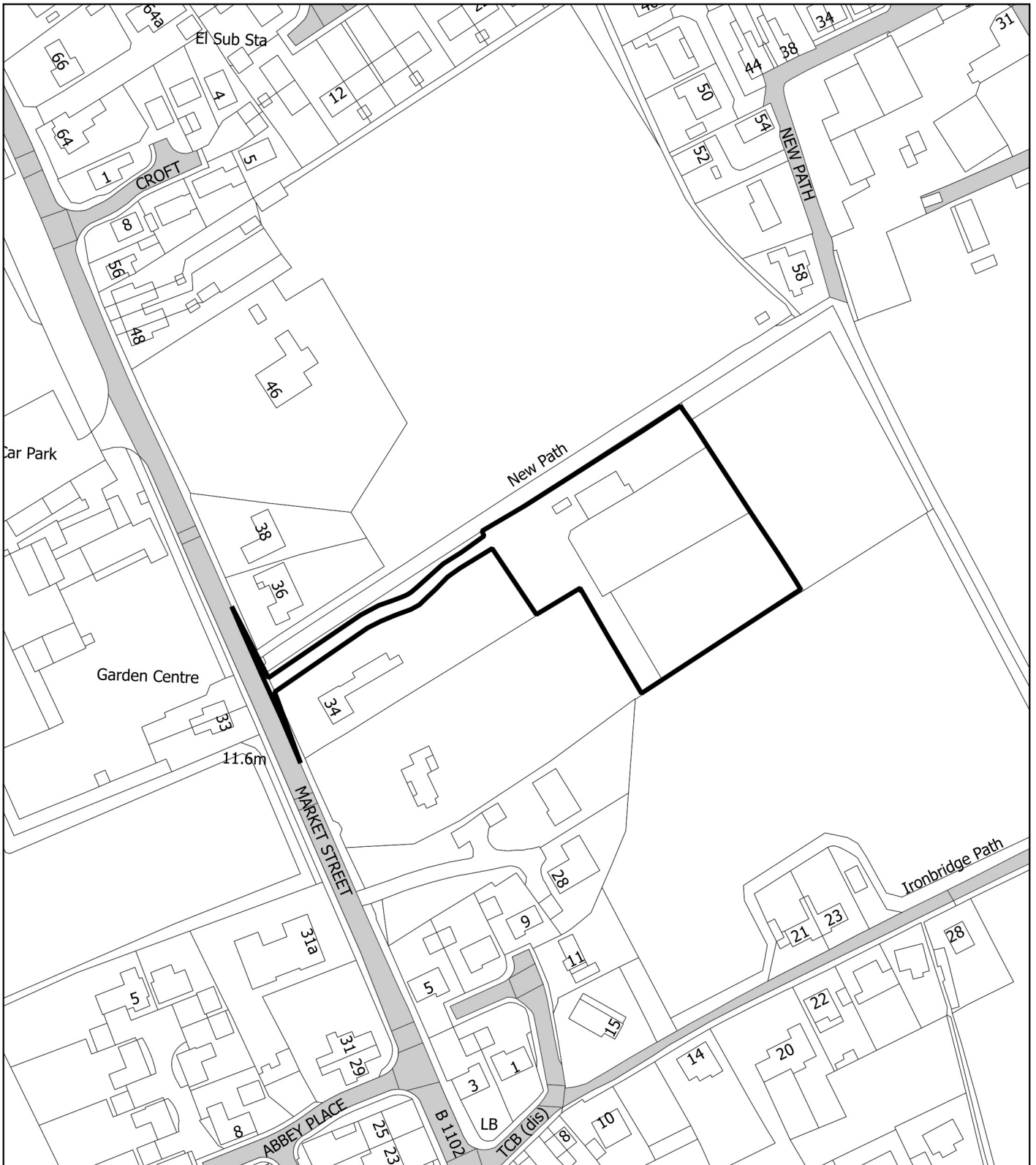
sustainable building standards and there would be a positive contribution to the local and wider economy in the short term through construction work. However, the loss of land from the countryside that would result from the proposal's delivery along with the urbanisation arising from the scheme and the sprawl that development can result in from sites at the edge of the settlement would all conflict with Policy 1 of the FNP. This Neighbourhood Plan is in an advanced stage and thus the policy conflict attracts significant weight against the proposal.

7.6.2 The scheme would result in significant harm to the visual character of the area with the four residential units on the open paddock site eroding the natural landscape enjoyed by users of the surrounding public footpaths. The site differs from an adjacent appeal site for two dwellings to the rear of a property on Market Street due to the visibility of the site from the nearby footpaths, the proximity of the protected woodland and the open and unique nature of the site in the relatively densely built area of Fordham. The introduction of large-scale built form on the site would result in an undesirable hardening of the edge between the built-up extent of the village and the rural area. The proposal contravenes Local Plan (2015) Policies ENV1 and ENV2 and Submitted Local Plan (2017) Policies LP22 and LP28, FNP Policies 2 and 5, the Design Guide SPD and NPPF Paragraph 12.

<u>Background Documents</u>	<u>Location</u>	<u>Contact Officer(s)</u>
18/00914/OUT	Oli Haydon Room No. 011 The Grange	Oli Haydon Planning Officer 01353 665555
17/01412/OUT	Ely	oli.haydon@eastcambs.gov.uk

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

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



18/00914/OUT

34 Market Street
Fordham



East Cambridgeshire
District Council

Date: 07/09/2018
Scale: 1:1,750



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