

**22/00450/FUL**

162 West Fen Road

Ely

Cambridgeshire

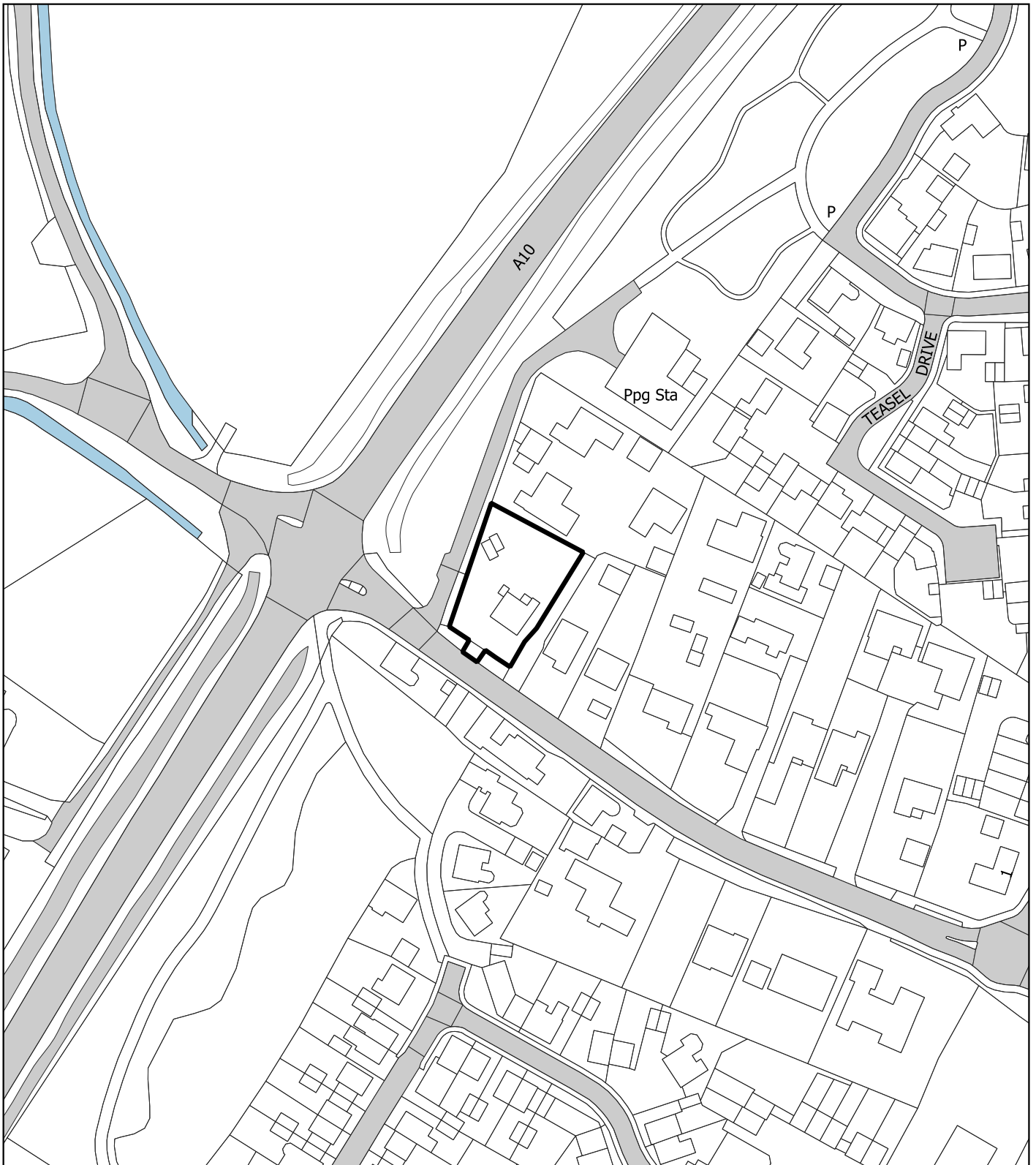
CB6 3AD

Demolition of existing bungalow & erection of 2 No. four bed dwellings with new combined access, along with associated parking, turning & site works

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

<http://pa.eastcambs.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=RA9WEZGGFOF00>





22/00450/FUL

162 West Fen Road  
Ely



East Cambridgeshire  
District Council

Date: 11/11/2022  
Scale: 1:1,500



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**MAIN CASE**

**Reference No:** 22/00450/FUL

**Proposal:** Demolition of existing bungalow & erection of 2 No. four bed dwellings with new combined access, along with associated parking, turning & site works

**Site Address:** 162 West Fen Road Ely Cambridgeshire CB6 3AD

**Applicant:** Lildex Property Ltd

**Case Officer:** Rachael Forbes Planning Officer

**Parish:** Ely

**Ward:** Ely West

Ward Councillor/s: Sue Austen  
Paola Trimarco  
Christine Whelan

**Date Received:** 13 April 2022

**Expiry Date:** 7 December 2022

**Report Number [X121]**

**1.0 RECOMMENDATION**

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

Policy ENV2 of the East Cambridgeshire District Council's Local Plan 2015 requires that proposals ensure that there are no significantly detrimental effects on the residential amenity of nearby occupiers and that occupiers and users of new buildings, especially dwellings, enjoy high standards of amenity. The proposal would result in a significant adverse impact to residential amenity by virtue of a first-floor bedroom window in the rear elevation of plot 2 which would overlook the garden and rear elevation of the neighbouring dwelling, 160c West Fen Road. The overlooking is more severe than in the scheme previously permitted as the first-floor window is materially closer to the neighbouring dwelling. The proposal is therefore considered to be contrary to Policy ENV 2 of the East Cambridgeshire Local Plan, 2015.

**2.0 SUMMARY OF APPLICATION**

The application seeks planning permission for the demolition of the existing bungalow and the erection of two, four bed dwellings, with new combined access and parking, turning and site works.

The proposal has been amended during the course of this application. The rear facing window on the projecting element of Plot 1 has been relocated to the side elevation. Soft landscaping has also been addressed following the Trees Officer's initial comments.

The application has been called in to Planning Committee by Cllr Christine Whelan for the following reason:

*'I would like the planning committee to look this application. The developers have assured me that they have met all the requirements needed and have altered their plans to comply with any adjustments that were highlighted, so I am calling this application into committee to be looked at and a decision made by them. I am aware though that there have been some objections to this application.'*

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/>.

### **3.0 PLANNING HISTORY**

#### 3.1

20/00944/FUL	Demolition of existing dwelling & garage/shed and construction of 2no. three bedroom, two storey detached dwellings (phased development)	Approved	14.01.2021
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### **4.0 THE SITE AND ITS ENVIRONMENT**

The application site is situated within the development envelope of Ely. The plot is situated on the edge of Ely, adjacent to the A10 and currently consists of a single bungalow and associated garden and parking. The boundary treatments consist of fencing and hedging. The surrounding area consists of residential dwellings and the A10 is situated to the west of the site.

### **5.0 RESPONSES FROM CONSULTEES**

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

#### **Environmental Health - 20 September 2022**

'Thank you for consulting me on the above proposal. I recommend that standard contaminated land condition 4 (unexpected contamination) is attached to any grant of permission due to the proposed sensitive end use (residential), as with the previous application 20/00944/FUL.'

## **Local Highways Authority - 29 April 2022**

'I do not object to this application. The proposed development will have no impact upon the highway above the previously approved 20/00994/FUL.

However, I would recommend that as part of the access works, the footway to the west of the site is extended to the access to allow for pedestrian connectivity. In any case, the existing dropped kerb should be removed, and the footway reinstated once the new access is constructed.

Please append the following conditions and informative to any permission granted:

HW7A: The existing access to West Fen Road shall be permanently and effectively closed and the footway / highway verge shall be reinstated in accordance with a scheme to be agreed with the Local Planning Authority, within 28 days of the bringing into use of the new access.

HW8A: Notwithstanding the provision of Class A of Schedule 2, Part 2 of the Town and Country Planning (General Permitted Development) Order 2015, (or any order revoking, amending or re-enacting that order) no gates, fences or walls shall be erected across the approved vehicular access, as shown on the drawing JP-2022-007-2.'

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

## **ECDC Trees Team - 24 May 2022**

'No tree related objections to the development but the soft landscaping will require some tweaks and additional information as the indicated Rowan adjacent to the parking area and the one to the side of plot 1 will be unsuitable for long term retention as they will overhang the adjacent to parking area, driveway and footpath. This species of tree produces berries that can pose a slip hazard as well as making a mess and attracting unwanted insects such as Wasps, Ants etc.

A suitable alternative could be *Gleditsia triacanthos* 'Draves Street Keeper' (Upright Honey Locust) - Medium-size tree with a narrow pyramidal crown, grows half as wide as it does tall, mostly thorn less with olive green twigs, the leaves are glossy dark and turn vivid yellow in the autumn, thriving on most soils, *Cercidiphyllum japonicum* (Katsura) - rounded leaves pink when young but turn bright green in summer, then take on orange, red and yellow colours in autumn, after the leaves are shed, they release a really sweet smell, which is similar to caramel-candyfloss or *Liquidambar styraciflua* 'Slender silhouette' (upright Sweet Gum) - narrow columnar tree with a strong architectural form and striking autumn colour with leaves turning yellow, orange and red before leaf fall.

The trees indicated for the rear garden must be planted 1-1.5m from the boundary as a minimum to allow then sufficient room to develop without impacting on the boundary fencing.

Due to the usage of the area adjacent to the proposed new hedge and the sites location I would suggest that a single species native hedge would be more suitable

than a mixed one, I suggest that the most suitable option would be Hawthorn (Crataegus monogyna) this is also a very wildlife friendly species.

The loss of the existing conifer hedge on the eastern boundary should also be mitigated as it will currently be providing significant nesting opportunities for the wild bird population. This could be accomplished via suitable shrub or hedge planting in the rear gardens of the proposed properties.

The soft landscaping details can be confirmed by condition if required.'

#### **Environmental Health - 25 April 2022**

'Due to the proposed number of dwellings and the close proximity of existing properties I would advise that construction times and deliveries during the construction and demolition phases are restricted to the following:

07:30 - 18:00 each day Monday - Friday  
07:30 - 13:00 on Saturdays and  
None on Sundays or Bank Holidays

If it is necessary to undertake ground piling I would request that a method statement be produced and agreed in writing with the Local Planning Authority (LPA) before work takes place. This document should include the commitment to notifying nearby properties prior to the work commencing to advise how long the works will last. This notification should also provide a contact number so that if there are any concerns while the piling is taking place they can contact the contractor. If the method of piling involves impact driving I would request a commitment to the following restricted hours specifically for piling - 09:00 - 17:00 each day Monday - Friday and None on Saturdays, Sundays or Bank Holidays.

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

#### **Ward Councillors – 5 September 2022**

Cllr Christine Whelan - 'I would like the planning committee to look this application. The developers have assured me that they have met all the requirements needed and have altered their plans to comply with any adjustments that were highlighted, so I am calling this application into committee to be looked at and a decision made by them. I am aware though that there have been some objections to this application.'

**Waste Strategy (ECDC) - No Comments Received**

**Consultee For Other Wards In Parish - No Comments Received**

**Cambs Wildlife Trust - No Comments Received**

**Following receipt of amended plans:**

**Environmental Health - 8 September 2022**

'I have no additional comments to make at this time.'

**Local Highways Authority - 20 September 2022**

'The amended plans do not appear to change the access, parking or turning arrangements within the site. The observations made previously in correspondence dated 29th April 2022 therefore replicable and I would recommend that the same conditions and informative be appended to any permission granted.'

**Parish - 29 September 2022**

'Amended planning application 22/00450/FUL was considered at the City of Ely Council's Planning Committee on the 28th September 2022. The City of Ely Council's comments are as follows: -

The City of Ely Council has no concerns with regards to this application.'

**ECDC Trees Team - 26 September 2022**

'The revised soft landscaping details are acceptable please condition compliance with the scheme.'

5.2 A site notice was displayed near the site on 26 April 2022.

5.3 Neighbours – seven neighbouring properties were notified and seven responses from five addresses were received. The responses received are summarised below. A full copy of the responses are available on the Council's website.

- Parking on the road outside of the property which makes it difficult to see the traffic leaving the A10;
- Concerns regarding parking when demolition begins, including parking in the neighbouring driveway or using it as a turning point;
- Eight bedrooms gives potential for 16 cars plus visitors which will lead to parking on one of the most dangerous junctions in Ely;
- Daily incidents occur from impatient drivers waiting to get in and out of Ely. If unrestricted parking on the road is allowed, traffic turning left from the A10 would have to swerve onto the left-hand side of the road, potentially into oncoming traffic;
- The proposed layout does not result in sufficient space for cars to leave in a forward gear without driving over the neighbour's drive – the site could provide more spaces per unit;
- Items for the committee to consider – double yellow lines from the left turn onto West Fen Road to the mini roundabout and enforcement of this, no builders parked on the road while the work is in progress, a new look at safety on this junction and possible consideration of other uses on this site;
- Preferable that the bungalow remained but the site will be developed and it is hoped that previous limitations are adhered to; the proposed dwelling will

project further back and be higher than previously approved, blocking light to the dining room and kitchen;

- The hedge is proposed to be removed – this supports a huge amount of wildlife and insulates properties from noise;
- In the previous application, it was stipulated that the trees in the back garden should be preserved, the shrub trees have already been removed.

Following receipt of amended plans:

- Reiteration of concerns regarding parking and highway safety.

## **6.0 The Planning Policy Context**

### **6.1 *East Cambridgeshire Local Plan 2015***

GROWTH 2	Locational strategy
GROWTH 5	Presumption in favour of sustainable development
ENV 1	Landscape and settlement character
ENV 2	Design
ENV 4	Energy and water efficiency and renewable energy in construction
ENV 7	Biodiversity and geology
ENV 8	Flood risk
ENV 9	Pollution

### **6.2 Supplementary Planning Documents**

*Design Guide – Adopted March 2012*  
*Contaminated Land: Guidance on submitted Planning Application on land that may be contaminated - Adopted May 2010*  
*Developer Contributions and Planning Obligations – Adopted May 2013*  
*Natural Environment SPD – Adopted September 2020*  
*Climate Change – Adopted September 2021*

### **6.3 *National Planning Policy Framework 2021***

- 2 Achieving sustainable development
- 4 Decision-making
- 5 Delivering a sufficient supply of homes
- 12 Achieving well-designed places
- 14 Meeting the challenge of climate change, flooding and coastal change
- 15 Conserving and enhancing the natural environment

### **6.4 Planning Practice Guidance**

## **7.0 PLANNING COMMENTS**

The main considerations in the determination of this application are the principle of development, visual amenity, residential amenity, highway safety and parking, ecology and trees, flood risk and drainage, contaminated land, climate change and any other matters.



## 7.1 Principle of Development

Policy GROWTH 2 of the East Cambridgeshire Local Plan, 2015 states that the majority of development will be focused on the market towns of Ely, Soham and Littleport with Ely being the most significant service and population centre in the district and a key focus for housing, employment and retail growth.

Policy GROWTH 2 goes on to state that within defined development envelopes housing, employment and other development to meet local needs will normally be permitted – provided that there is no significant adverse effect on the character and appearance of the area and that all other material planning considerations are satisfied.

The site is located within the development envelope of Ely and therefore the principle of development in this location would be considered acceptable subject to satisfying all other relevant material planning considerations.

## 7.2 Visual Amenity

7.2.1 Policy ENV 1 of the East Cambridgeshire Local Plan, 2015 states that development proposals should ensure that they provide a complementary relationship with the existing development and conserve, preserve and where possible enhance the distinctive and traditional landscapes and key views in and out of settlements. Policy ENV 2 states that development proposals ensure that the location, layout, massing, materials and colour of buildings relate sympathetically to the surrounding area.

7.2.2 The application proposes the demolition of the existing bungalow at the site and the erection of two dwellings. A previous application has been approved at the site under application reference 20/00944/FUL for two, three-bedroom detached dwellings.

7.2.3 The proposed dwellings measure approximately 7.2 metres (~23.5ft) in height, 9 metres (~29.5ft) in width and 15 metres (~49ft) in length at its longest point. This is a similar scale to the previously approved dwellings which were 7.1 metres (~23ft) in height, 9 metres (~29.5) in width and 11 metres (~36ft) in length. As with the previous permission, the proposals have incorporated a dormer window in both the principal and rear elevations, which are seen in many dwellings in the street scene. The dwellings are of a similar design to those previously approved but will project further back in to the site. However, the plots are large being approximately 440sqm (0.11 acres per plot), comfortably exceeding the 300sqm (~0.07acres) plot size guidance set out in the District Design Guide, and it is considered that the projection into the site would not be objectionable in respect of design or impact on the character and appearance of the area.

7.2.4 As part of the amended plans, the first-floor window on the rear projection of Plot 1 has been moved to the side elevation of the projection in an attempt to avoid an overlooking impact to the neighbouring dwelling. Officers raised concern that this would result in a blank rear projection at first floor level which lacks visual interest and would not represent good design. However, there are other windows on the rear elevation and the rear projection is proposed to be dark grey composite

boarding which will contrast with the buff brick. It is therefore considered that while it would be preferable to retain a window, from a design perspective, that the lack of one window would not be significant enough to warrant a refusal on that basis.

- 7.2.5 The materials proposed are buff brickwork with dark grey composite boarding on the rear projection and a small section of the principal elevation, Weinberger Shire dark grey pantiles, upvc windows and grey powder coated aluminium sliding folding doors to the rear elevation. These materials are considered to be appropriate; they are similar to those previously approved and West Fen Road has a mixture of materials in the streetscene.
- 7.2.6 As part of the amended plans, a soft landscaping plan has been submitted. There have been comments received that as part of the previous application, it was stipulated that the trees in the back garden should be preserved and that the shrub trees have been removed. The conditions for application 20/00944/FUL stipulated that hedging should not be removed without the prior written approval of the Local Planning Authority and that prior to occupation, the details of the new tree planting should be submitted and approved. As part of this application, the Trees Officer commented that while there were no tree related objections to the application, the soft landscaping scheme would need to be tweaked for various reasons as set out in the 'responses from consultees' section of this report. Following receipt of amended plans, the Trees Officer was satisfied with the soft landscaping scheme and has requested a compliance condition to ensure it is implemented.
- 7.2.7 It is considered that the proposed dwellings are in keeping with the street scene and would not result in significant harm to the character and appearance of the area and are therefore considered to comply with Policies ENV 1 and ENV 2 of the East Cambridgeshire Local Plan, 2015.

### **7.3 Residential Amenity**

- 7.3.1 Policy ENV2 of the East Cambridgeshire District Council's Local Plan 2015 requires that proposals ensure that there are no significantly detrimental effects on the residential amenity of nearby occupiers and that occupiers and users of new buildings, especially dwellings, enjoy high standards of amenity.
- 7.3.2 162 West Fen Road has one immediate neighbour to the east/south east, 160 West Fen Road and there are a group of dwellings to the north/north east, 160a, 160b and 160c West Fen Road. 160c West Fen Road is the closest of these being adjacent to the northern boundary.
- 7.3.3 160c West Fen Road is situated close to the boundary with 162 West Fen Road. It has two garden areas, one to the west of the dwelling which is accessed via the conservatory, and one to the east of the dwelling which is accessed from the living room by bi-fold doors. On the rear elevation at ground floor level in the elevation facing the site are windows that serve the kitchen and dining room as well as the side elevation of the conservatory. At first-floor level, there is a bathroom window.
- 7.3.4 During the course of the previous application, 20/00944/FUL, amendments were made to the proposal as the design was not considered to be appropriate but there were also concerns regarding the resulting overlooking impact to the neighbouring

dwelling, 160c West Fen Road. Amended plans were submitted and although the officer report concluded that the distances involved would not result in a significant overlooking impact that would warrant refusal, it was considered that there was still likely to be some impact, largely due to the fact that the existing dwelling at the site is a single storey dwelling, while the approved dwelling was to be two storey. The impact in that case was considered to be just within acceptable limits.

- 7.3.5 The rear elevation of the previous proposal was roughly in line with that of the neighbouring dwelling, where there are first floor windows present. Based on the plans submitted with the previous application, the first-floor windows of plot 1 nearest to the boundary with 160c were situated 15.6 metres (~51ft) from the rear boundary of the plot and 18.2 (~60ft) from the rear elevation of 160c West Fen Road itself. The nearest first floor windows of plot 2 were 17.8 metres (~58ft) from the boundary and 19 metres (~62ft) from 160c West Fen Road itself.
- 7.3.6 Plot 1 has been amended during the course of the current application so that the first-floor window on the rear projection now faces west towards the A10, rather than towards the neighbouring dwelling. Based on the plans submitted with the current application, Plot 1 would therefore be situated so that the nearest first floor rear facing windows are 15.8 metres (~52ft) from the boundary with 160c West Fen Road and 18 metres (~59ft) from the dwelling itself which is comparable with the previous permission. On the basis of the amendments made during this application, the overlooking impact from Plot 1 is considered similar to the approved scheme.
- 7.3.7 However, Plot 2 has two sets of rear facing first floor windows, the nearest of which, based on the plans situated with the current application would be situated approximately 12.9 metres (~42ft) away from the boundary and 14.3 metres (~47ft) from the dwelling itself. Plot 2 still has a window on the rear projection facing 160c West Fen Road. Unlike with Plot 1, moving that window to the side elevation was not an option as it would have resulted in an unacceptable overlooking impact to the gardens of neighbouring properties on either side. This window in the position proposed would be approximately 5 metres closer to the rear boundary of the site than in the previous approval and would overlook the back of 160c West Fen Road and the garden to the eastern side of the dwelling at a significantly closer distance to that previously approved. This distance would also be materially closer to 160c than the existing two storey first floor windows at 160 West Fen Road. It is considered that this would result in a significant adverse impact to the residential amenity of the occupants of 160c.
- 7.3.8 There has been concern raised that as the dwellings are further back in the site and will be higher than previously approved that the proposal will result in light being blocked to the dining room and kitchen of 160c West Fen Road. While the dwellings do project further back in the site, the rear projections are not the full width of the dwelling and are also lower in height than the main ridge. Although the dwellings are to the south of 160c, it is considered that they would not cause a significant overshadowing impact or loss of light to number 160c West Fen Road. Plot 2 is set close to the boundary of the site and is separated by a private drive from 160 West Fen Road. It is considered that there may be some overshadowing to the flank elevation of 160 West Fen Road in the late/afternoon evening, however there is only one small window present on this elevation and therefore the impact

would be minimal. The rear projection is set away from the boundary and is lower and height and it is therefore considered that it would not result in a significant overshadowing impact.

- 7.3.9 In respect of overbearing, it is considered that there are sufficient distances between the proposed dwellings and neighbouring properties as not to result in a significant overbearing impact.
- 7.3.10 The Council's Environmental Health Officer has been consulted as part of the proposal and has commented that due to the proposed number of dwellings and the close proximity of existing properties, it is advised that construction times and deliveries during the construction are controlled and if piling is necessary that a piling method statement be required by condition.
- 7.3.11 The proposed development is considered to result in a significant overlooking impact to the dwelling to the rear of the site, number 160c West Fen Road by having a first-floor window on the rear projecting element of Plot 2. This window is set further into the plot than the approved scheme and projects beyond the existing first floor windows at 160 West Fen Road. The proposal will not only result in actual overlooking from the proposed development but also an increase in perceived overlooking given that the existing dwelling at the site is a bungalow. The proposal is therefore considered to be contrary to Policy ENV 2 of the East Cambridgeshire Local Plan, 2015.

#### **7.4 Highway Safety and Parking**

Policy COM 7 of the East Cambridgeshire Local Plan, 2015 states that development proposals shall provide a safe and convenient access to the highway network. Policy COM 8 of the East Cambridgeshire Local Plan, 2015 states that development proposals should provide adequate levels of car and cycle parking in accordance with the Council's parking standards.

- 7.4.1 There has been much concern raised around the highway safety aspects of the development, particularly in relation to the parking during construction, parking on the road, inadequate parking provision and the impact of the development on the private drive leading to the properties 160a, 160b and 160c West Fen Road.
- 7.4.2 The proposal seeks to have a singular access serving both dwellings, central to the existing accesses which would be closed. This is a very similar arrangement to that approved under 20/00994/FUL. The Local Highway Authority (LHA) has been consulted as part of the application and has commented that it has no objections and that the proposed development will have no additional impact upon the highway above the previously approved 20/00994/FUL. It has recommended that as part of the access works, the footway to the west of the site is extended to the access to allow for pedestrian connectivity but in any event the existing dropped kerb should be removed and the footway reinstated once the new access is constructed. A similar access arrangement was proposed under 20/00994/FUL and the extension of the footway was not required. As a result, it is considered that it would be unreasonable to seek that the footway be extended as this was not requested as part of the previous application.

- 7.4.3 The LHA has requested conditions that the existing access shall be permanently and effectively closed and the footway/highway verge reinstated in accordance with a scheme to be agreed by the Local Planning Authority and that no gates, fences or walls be erected across the vehicular access. Under the previous application, the LHA had commented that *'due to the close proximity to the A10, the applicant must ensure that adequate provision is made for vehicles required to access the site during the construction period, to ensure that West Fen Road does not become obstructed.'* It also requested a condition be imposed on any permission granted that temporary facilities shall be provided clear of the public highway for the parking, turning, loading and unloading of all vehicles visiting the site during the period of construction. This information was requested through the imposition of a condition for a Construction Environmental Management Plan (CEMP). It is considered that given the location of the site, in close proximity to a busy junction, that it would be necessary to condition a CEMP as per the previous application, were permission being approved.
- 7.4.4 There has been concern raised that parking outside the property makes it difficult to see traffic leaving the A10 when exiting the neighbouring private driveway and that the increase in bedrooms could result in up to 16 cars which will then park on the road. There have also been comments that given the size of the site that the parking provision could be increased. The parking standard as set in Policy COM 8 of the East Cambridgeshire Local Plan, 2015 is two car parking spaces per dwelling which has been provided and therefore it would not be reasonable to seek further car parking spaces. Furthermore, West Fen Road has no parking restrictions (double yellow lines, etc) and therefore the Local Planning Authority cannot prevent on street parking. Dangerous parking would be a matter for the police, but it is not considered that the proposed development would encourage such parking.
- 7.4.5 There have been comments received which set out some suggested items for consideration by the planning committee, three of which relate to highway safety and parking. They are the provision of double yellow lines from the left turn onto West Fen Road to the mini roundabout and enforcement of this, no builders parked on the road while the work is in progress and a new look at safety on this junction. The conditioning of a Construction Environmental Management Plan (CEMP) could include a commitment to prevent builders parking on the road. The remaining items are largely outside the scope of this application and are likely a Local Highway Authority matter rather than a Local Planning Authority matter.
- 7.4.6 It is considered that the proposal would not result in a significant adverse impact to highway safety and provides sufficient car parking and is therefore considered to comply with Policies COM 7 and COM 8 of the East Cambridgeshire Local Plan, 2015.

## **7.5 Ecology and Trees**

- 7.5.1 Policy ENV 7 of the East Cambridgeshire Local Plan, 2015 states that all applications for development that may affect biodiversity and geology interests must be accompanied by sufficient information to be determined by the Local Planning Authority, including an ecological report, to allow potential impacts and possible mitigation measures to be assessed fully. It also states that all development will be required to protect the biodiversity and geological value of land and buildings and

minimise harm to or loss of environmental features, such as trees, hedgerows, woodland, wetland and ponds. Policy ENV 1 states that development proposals should protect, conserve and where possible enhance the pattern of distinctive historic and traditional landscape features such as watercourses, characteristic vegetation, individual and woodland trees, field patterns, hedgerows and walls and their function as ecological corridors for wildlife dispersal. Policy ENV 2 states that all development proposals will be expected to make efficient use of land while respecting the density, urban and village character, public spaces, landscape and biodiversity of the surrounding area.

- 7.5.2 The Council has adopted the Natural Environment SPD which states that all developments must result in biodiversity net gain.
- 7.5.3 There have been comments received that the proposed hedge will be removed and this supports a huge amount of wildlife and that in the previous application it was stipulated that the trees in the back garden should be preserved but the shrub trees have already been removed. In the officer report for 20/00944/FUL, it states that the hedge was to be retained and given that this was the main ecological feature it would be reasonable to condition its retention. The trees at the front of property were proposed to be removed; it was conditioned that details of the replacement tree planting were to be submitted and approved in writing.
- 7.5.4 The current scheme proposes the removal of the hedge and trees to the front and rear of the site. The proposal includes six replacement trees, two new sections of hedge to the front of the site and additional planting to the rear gardens along the boundary. There is also the provision of hedgehog holes and bat and bird boxes. The Trees Officer has commented that the soft landscaping details are acceptable and to condition compliance with the scheme.
- 7.5.5 The trees are being replaced with appropriate species as suggested by the trees officer. While there is a large amount of hedging to be removed, this has been mitigated by the planting of new hedging and planting in the rear garden. It is considered that the proposal would not result in a loss of biodiversity habitat on site. Other measures are proposed in principle to enhance biodiversity and these could be conditioned to achieve the necessary biodiversity net gain were permission being granted. It is therefore considered that the application complies with Policies ENV 1, ENV 2 and ENV 7 of the East Cambridgeshire Local Plan, 2015 and Natural Environment SPD, 2020 and paragraph 180(d) of the NPPF.

## **7.6 Flood Risk and Drainage**

- 7.6.1 Policy ENV 8 states that all developments and re-developments should contribute to an overall flood risk reduction. The sequential and exception test will be strictly applied across the district and new development should normally be located in flood zone 1; the application site is situated in flood zone 1 and therefore is considered to be acceptable.
- 7.6.2 The proposed site layout (JP-2022-007-2 Rev A) states that surface water drainage will be disposed of via soakaways and foul water will be disposed of via the mains sewer. Due to its location in Flood Zone 1, the Internal Drainage Board (IDB), Anglian Water, Environment Agency (EA) and the Lead Local Flood

Authority (LLFA) have not been consulted. Those bodies were consulted on the previous application with only the IDB responding. The IDB stated that it had no objections. The method of disposal is the same for this application as it was on the previous one.

- 7.6.3 It is therefore considered that the proposal would not result in a significant adverse impact in respect of flood risk and is therefore considered to comply with Policy ENV 8 of the East Cambridgeshire Local Plan, 2015.

## **7.7 Contaminated Land**

- 7.7.1 Policy ENV 9 states that all development should minimise and where possible reduce all emissions and other forms of pollution, including light and noise pollution and ensure no deterioration in air and water quality.
- 7.7.2 The Council's Scientific Officer has recommended a condition that if any unexpected contamination is found that works ceases and is reported to the Local Planning Authority is attached to any grant of permission due to the proposed sensitive end use (residential), as with the previous application 20/00944/FUL.
- 7.7.3 The proposal is therefore considered to comply with Policy ENV 9 of the East Cambridgeshire Local Plan, 2015.

## **7.8 Energy, water efficiency and renewable energy in construction**

- 7.8.1 Local Plan Policy ENV4 states: '*All proposals for new development should aim for reduced or zero carbon development in accordance with the zero carbon hierarchy: first maximising energy efficiency and then incorporating renewable or low carbon energy sources on-site as far as practicable*' and '*Applicants will be required to demonstrate how they have considered maximising all aspects of sustainable design and construction.*' The adopted Climate Change SPD encourages all development to include sustainability measurements within their proposal. No measures have been put forward. While this is regrettable, given the scale of the proposed development and the fact that the site already benefits from a similar permission, it is considered that this would not warrant in a reason for refusal of the application in this case.

## **8.0 Planning Balance**

- 8.1 The proposal seeks the erection of two dwellings which are of a similar layout and scale to that approved under application reference 20/00944/FUL, however the dwellings project further back into the site than under application 20/00944/FUL. The officer report of that application concluded that it was considered that there was likely to be some impact in respect of overlooking that given the distances involved it was not significant as to warrant refusal. This application brings the windows closer to the neighbouring dwelling and is considered to result in a significant overlooking impact, contrary to Policy GROWTH 2. The application is therefore recommended for refusal.

## **9.0      Costs**

- 9.1      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.
- 9.2      Unreasonable behaviour can be either procedural i.e. relating to the way a matter has been dealt with or substantive i.e. relating to the issues at appeal and whether a local planning authority has been able to provide evidence to justify a refusal reason or a condition.
- 9.3      Members do not have to follow an officer recommendation indeed they can legitimately decide to give a different weight to a material consideration than officers. However, it is often these cases where an appellant submits a claim for costs. The Committee therefore needs to consider and document its reasons for going against an officer recommendation very carefully.
- 9.4      In this case members' attention is particularly drawn to the following points:
- There is an approved scheme at this site for two dwellings which does not result in a significant adverse impact to residential amenity.

## **10.0      Appendices**

- 10.1      None

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<b><u>Background Documents</u></b>	<b><u>Location</u></b>	<b><u>Contact Officer(s)</u></b>
22/00450/FUL	Rachael Forbes Room No. 011 The Grange	Rachael Forbes Planning Officer 01353 665555
20/00944/FUL	Ely	rachael.forbes@eastcambs.gov.uk

National Planning Policy Framework -

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

East Cambridgeshire Local Plan 2015 -

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