

23/00775/FUL

Ridgeway Farm

Common Road

Witchford

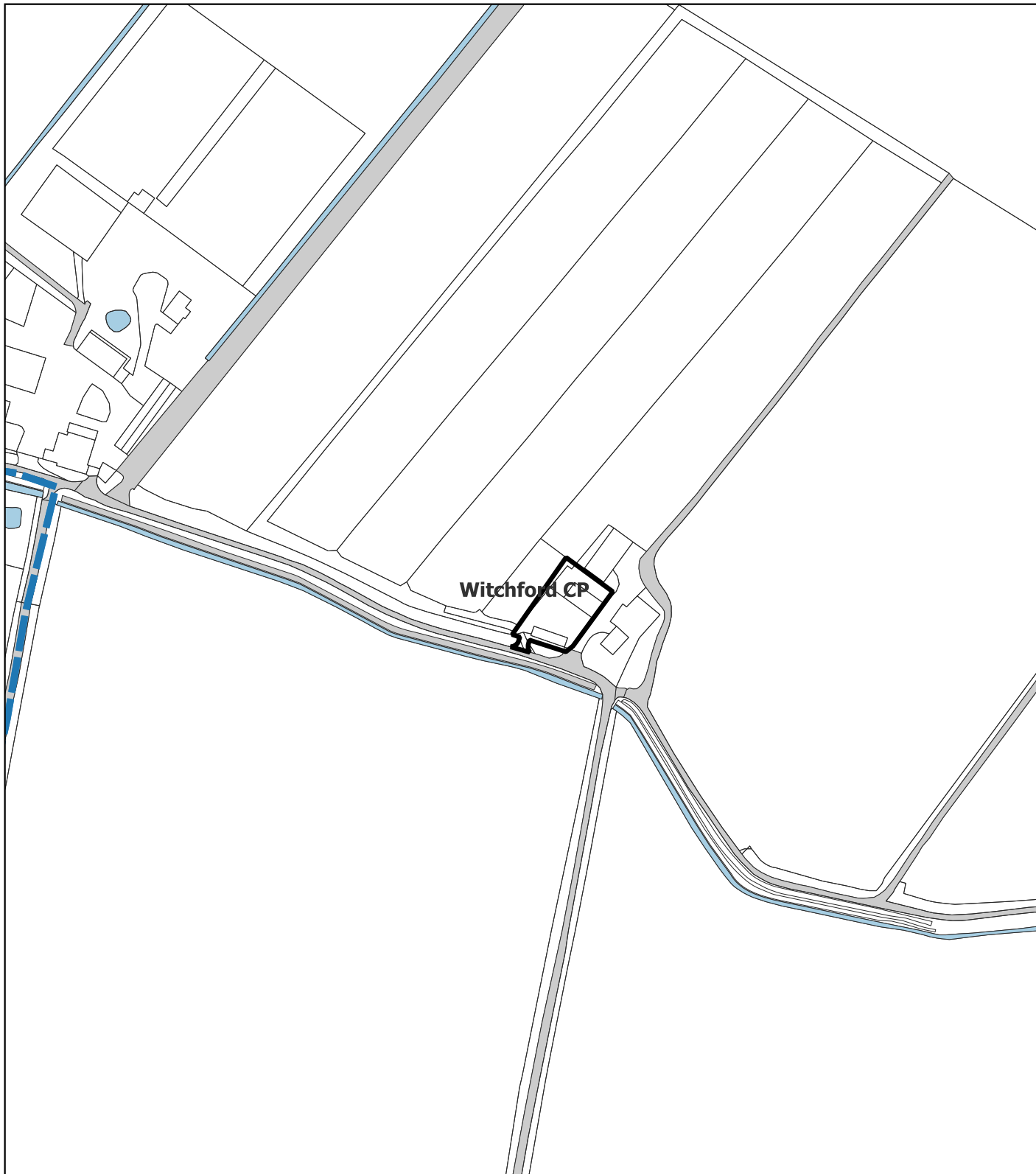
CB6 2HZ

Erection of a dwelling and associated change of use of agricultural land to amenity land

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=RXOTVGGGLXM00>





22/00775/FUL

Ridgeway Farm
Common Road
Witchford



East Cambridgeshire
District Council

Date: 22/09/2023
Scale: 1:2,783



© Crown copyright.
All rights reserved 100023279 (2023)

TITLE: 23/00775/FUL

Committee: Planning Committee

Date: 4 October 2023

Author: Senior Planning Officer

Report No: Y61

Contact Officer: Holly Chapman, Senior Planning Officer
holly.chapman@eastcambs.gov.uk
01353 616360
Room No 011 The Grange Ely

Site Address: Ridgeway Farm Common Road Witchford Cambridgeshire CB6 2HZ

Proposal: Erection of a dwelling and associated change of use of agricultural land to amenity land

Applicant: Mr M Thompson

Parish: Witchford

Ward: Stretham

Ward Councillor/s: Bill Hunt
Caroline Shepherd

Date Received: 12 July 2023

Expiry Date: 6 October 2023

1.0 RECOMMENDATION

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

- 1 Approved Plans
- 2 Time Limit -FUL/FUM/LBC
- 3 Contamination
- 4 Reporting of unexpected contamination
- 5 Piling foundations
- 6 Tree Protection Measures
- 7 Bio Enhance
- 8 Parking, serving, etc
- 9 Soft landscaping scheme
- 10 Hard landscaping scheme

- 11 Boundary
- 12 Sample materials
- 13 Construction times - Standard hours
- 14 Demolition of existing structure
- 15 Permitted Development Removal

2.0 SUMMARY OF APPLICATION

- 2.1 The application proposal comprises the erection of a detached two-storey market dwelling and change of use of agricultural land to residential amenity land/curtilage, following the demolition of the existing agricultural barn.
- 2.2 The site would be served by the existing access, albeit this is proposed to be widened and formalised.
- 2.3 The proposed dwelling is of a traditional design, to be constructed from buff bricks, slates, anthracite windows and doors, bay windows and timber porches, with a gable-end chimney stack. It would measure c. 7.4 metres (c.24ft) to ridge, c.13 metres (c.42.5ft) in depth, c.12.7 metres (c.42ft) in width, and c.5 metres (c.16.5ft) to eaves.
- 2.4 As part of the change of use of agricultural land to residential amenity land, the proposals seek to retain the existing stable block to the front of the existing agricultural building proposed to be replaced. This is to be used incidental to the enjoyment of the proposed dwellinghouse. No changes are proposed to the stable block.
- 2.5 The application is being presented at Planning Committee in accordance with the Council's constitution as it represents a departure from the development plan.
- 2.6 The full planning application, plans and documents submitted by the Applicant can be viewed online via East Cambridgeshire District Council's Public Access online service, via the following link <http://pa.eastcambs.gov.uk/online-applications/>.

3.0 PLANNING HISTORY

22/01123/FUL

Demolition of existing dwelling and construction of replacement dwelling

Withdrawn

14 March 2023

22/00745/ARN

Conversion of machinery storage building to residential dwelling

Grant – Prior Approval

23 September 2022

23/00436/FUL

Erection of a dwelling and associated change of use of agricultural land to amenity land

Refused

6 June 2023

23/00441/FUL

Demolition of existing dwelling and erection of replacement dwelling

Approved

14 August 2023

4.0 THE SITE AND ITS ENVIRONMENT

4.1 The application site comprises the agricultural buildings associated with Ridgeway Farm, comprising an agricultural barn and a stable block. The site is located outside of the development envelope of Witchford to the north of the village, where residential dwellings within the street-scene are sparse. This development is not located within the conservation area or in proximity to a listed building, and is located within Flood Zone (low risk).

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 - 19 July 2023

Thank you for consulting us on the above application.

We have commented on a similar application at this site in the past.

Peter will respond separately with his comments concerning the Contaminated Land Study.

I would advise that demolition and construction times and deliveries during the demolition and construction 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.

The Planning Statement advises that the agricultural building will be demolished and an adjacent agricultural building will be relocated as part of this proposal.

No other comments to make at this time but please send out the environmental notes.

The Ely Group Of Internal Drainage Board - 25 July 2023

The application states that surface water will be disposed of via soakaways. Provided that soakaways form an effective means of surface water disposal in this area, the Board will not object to this application. It is essential that any proposed soakaway does not cause flooding to neighbouring land. If soakaways are found not to be an effective means of surface water disposal, the Board must be re-consulted in this matter, as the applicant would need the consent of the Board to discharge into any watercourse within the District.

If the proposed sewage treatment plant discharges into a watercourse, the consent of the Board is required.

Parish - 3 August 2023

Witchford Parish Council objects to this application. The site is outside village development envelope and contravenes Policy SS1 in the Witchford Neighbourhood Plan. When considered with the other recent applications for development in this location, this constitutes encroachment of residential development into the countryside.

Local Highways Authority - 8 August 2023

On the basis of the information submitted, from the perspective a highway perspective the proposed development is acceptable.

The proposed access, as shown on 23-047933-102-C is acceptable to serve as a means of access to this development. While this access is at the same location as the existing, it will need to be enhanced as the current access is little more than an unmade track.

Within the site suitable provision has been made for parking and vehicle turning.

In the event that the LPA are minded to approve the application, please append the following informative to any consent granted:

Works in the Public Highway

This development may involve work to the public highway that will require the approval of the County Council as Highway Authority. It is an OFFENCE to carry out any works within the public highway, which includes a public right of way, without the permission of the Highway Authority. Please note that it is the applicant's responsibility to ensure that, in addition to planning permission, any necessary consents or approvals under the Highways Act 1980 and the New Roads and Street Works Act 1991 are also obtained from the County Council.

Environmental Health - 21 September 2023

Thank you for consulting me on the above proposal. I have read the Phase I Geo-Environmental Desk Study report dated 30th August 2023 prepared by EPS and accept the findings. The report recommends further site investigation to assess any risks that may be present from soils in areas used as hardstanding or under the base of the buildings. I recommend that standard contaminated land conditions 1 and 4 are attached to any grant of planning permission.

Waste Strategy (ECDC) - No Comments Received

Cambridgeshire Fire And Rescue Service - No Comments Received

CCC Growth & Development - No Comments Received

Ward Councillors - No Comments Received

Minerals And Waste Development Control Team - No Comments Received

- 5.2 A site notice was displayed near the site on 4 August 2023 and a press advert was published in the Cambridge Evening News on 27 July 2023. No comments were received.
- 5.3 Neighbours – No neighbouring properties were notified given the proximity of the site to existing dwellings and the ownership of the adjoining property, this being within the Applicant's control.

6.0 THE PLANNING POLICY CONTEXT

6.1 *East Cambridgeshire Local Plan 2015*

GROWTH 2	Locational strategy
GROWTH 3	Infrastructure requirements
GROWTH 5	Presumption in favour of sustainable development
ENV 1	Landscape and settlement character
ENV 2	Design
ENV 4	Energy and water efficiency and renewable energy in construction
ENV 7	Biodiversity and geology
ENV 8	Flood risk
ENV 9	Pollution
EMP 4	Re-use and replacement of existing buildings in the countryside
EMP 6	Development affecting the horse racing industry
COM 7	Transport impact
COM 8	Parking provision

6.2 *Witchford Neighbourhood Plan 2020*

WNP SS1 A spatial strategy for Witchford
WNP IC4 Flooding
WNP T1 Getting around the village
WNP GI3 Development and biodiversity
WNP LC1 Landscape and settlement character

6.3 *Supplementary Planning Documents*

Design Guide
Contaminated Land - Guidance on submitted Planning Application on land that may be contaminated
Flood and Water
Natural Environment SPD
Climate Change SPD

6.4 *National Planning Policy Framework 2023*

2 Achieving sustainable development
4 Decision-making
6 Building a strong, competitive economy
9 Promoting the use of 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

7.0 **PLANNING COMMENTS**

7.1 The main considerations for this application are considered to relate to the principle of the proposed development; visual and residential amenity impacts and highways safety. Matters of biodiversity and ecology; flood risk and drainage; and contamination/pollution will also be considered.

Principle of Development

7.2 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that decisions on planning applications be made in accordance with the adopted Development Plan unless material considerations indicate otherwise. The adopted Development Plan is the East Cambridgeshire District Council Local Plan (“Local Plan”), 2015 and due to the site’s location, the Witchford Neighbourhood Plan (“WNP”), May 2020.

7.3 The site is situated well outside of the defined development envelope of the Parish of Witchford and therefore is considered to be in the countryside, as set out within Policy GROWTH 2 of the Local Plan. However, the site also falls within the designated WNP area boundary and therefore the policies within the WNP also form part of the assessment of this proposal.

7.4 Policy GROWTH 2 of the Local Plan states that outside development envelopes, development will be restricted and controlled, having regard to the need to protect the countryside and the setting of towns and villages. Development will be restricted to a limited list of exceptions such as for affordable housing schemes, dwellings for essential rural workers, and re-use and replacement of buildings within the countryside etc, as listed in the Policy. Market housing is not an exception as set out within this policy.

7.5 Policy WNP SS1 of the WNP also states:

“Outside the development envelope, development will be restricted to:

- rural exception housing on the edge of the village where such schemes accord with Policy WNP H2 of this plan;*
- appropriate employment development at the Sedgeway Business Park where such schemes accord with Policy WNP – E2 of this plan;*
- and development for agriculture, horticulture, outdoor recreation, essential educational infrastructure and other uses that need to be located in the countryside.”*

7.6 The proposal seeks to introduce a market dwelling outside of the defined development envelope for Witchford, as well as changing the use of existing agricultural land and building to residential amenity land and an incidental outbuilding. The provision of a market dwelling and change of use of agricultural land to residential curtilage would not accord with the policies contained within the Local Plan or WNP, and the proposal is therefore considered to be in conflict with the Development Plan in this regard.

7.7 However, in accordance with s38(6) of the Planning and Compulsory Purchase Act 2004, there are material considerations which are afforded weight in the consideration of the application. Whilst the site is outside the Local Plan’s defined

development envelope, it is relevant that part of the application site benefits from an extant Class Q consent for the conversion of the central barn into a dwelling-house. This includes the creation of a curtilage around the barn forming part of the permitted residential use. This consent was established under Class Q of The Town and Country (General Permitted Development)(England) Order 2015 (as amended), which the policies of the Development Plan do not seek to replicate or indeed preclude as they are established at the national level.

- 7.8 The Applicant therefore benefits from an extant and realistic fall-back position which has established the principle of a single residential dwelling within the application site. This extant planning history is afforded significant weight in the determination of the application which is considered to warrant a departure from the Development Plan, which would otherwise seek to restrict residential development in this location.
- 7.9 With regard to the actual replacement of the barn with a new building, Policy EMP4 of the Local Plan 2015 states that the replacement of non-residential rural buildings for residential use will not normally be permitted. This is clarified by the pre-ambles to the policy which states: "*The replacement of rural buildings for residential use will not normally be considered appropriate, in order to minimise impact on the character of the countryside.*"
- 7.10 The policy does not entirely preclude the replacement of existing rural buildings, and for the reasons above and those to be provided below, it is considered that the replacement of the existing barn with a new dwelling-house would result in an acceptable impact upon the character of the countryside, so as to not find conflict with the overall objectives of Policy EMP 4.
- 7.11 The need to demonstrate that a business use of the existing barn is unviable or unrealistic prior to its use as a residential dwelling under Policy EMP 4 is considered to be unreasonable in light of the extant fall-back consent for its residential use.
- 7.12 The re-use and retention of the existing stable block as an incidental building is considered to comply with the overall objectives of Policy EMP 4. The visual impacts of the proposal are to be considered in greater detail elsewhere within this report, and the proposed incidental domestic use is considered to be compatible with the proposed residential use within the site. Whilst Policy EMP 4 seeks for the business use of the building to be explored in terms of its viability or deliverability, it is not considered that the delivery of a business use would be desirable in the context of the residential use proposed given its very close proximity. It is therefore considered more compatible to assimilate the building into the residential use now proposed.
- 7.13 Policy EMP 6 relating to equine development is not considered to be applicable here as the stable block was used in conjunction with an established agricultural use as opposed to equine development.
- 7.14 It is also considered that the retention and re-use of the stable block as an incidental outbuilding precludes the need for further domestic outbuildings to be erected within the curtilage of the proposed dwelling, restricting the further

encroachment of development into the countryside whilst retaining a rural building commensurate with rural character of the area.

- 7.15 With regard to the enlargement of the domestic curtilage of the proposed dwelling beyond that established under the Class Q consent, it is acknowledged that this would result in further encroachment into the countryside, and would be in conflict with GROWTH 2 of the Local Plan and Policy WNP SSI of the WNP, insofar as the policies do not allow for enlargement of domestic curtilages within the countryside.
- 7.16 However, it is considered that the extant fall-back position of a Class Q dwelling is a material consideration of substantial weight to warrant a departure from GROWTH 2 in terms of allowing the creation and/or the enlargement of the domestic curtilage as proposed. This being that the extant fall-back position has created a residential use and curtilage within the countryside otherwise not permitted by the Development Plan. Further to this, it is also acknowledged that the curtilage consented under the Class Q application is disproportionate to that conventionally expected for rural dwellings, allowing currently for the parking of two vehicles and no private amenity space. An enlargement to this curtilage is therefore considered a betterment to future occupiers of the prospective dwelling in terms of residential amenity.
- 7.17 With regard to the curtilage proposed, it is considered to be physically well-enclosed by existing built form (this being the existing barn to be replaced and stable block), as well as the existing (and consented replacement) dwelling to the east. The curtilage would be commensurate to that of a rural dwelling, and indeed that of the adjoining dwelling to the east. It is considered that the proposed domestic curtilage would not result in significantly detrimental harm to the character and appearance of the countryside,
- 7.18 In accordance with Section 38(6) of The Planning and Compulsory Purchase Act 2004 (as amended), whilst the proposed development is contrary to Policy GROWTH 2 of the Local Plan and Policy WNP SS1 of the WNP Development Plan by virtue of its siting outside of the defined development envelope of Witchford, the extant fall-back consent for a residential dwelling in this location (established under LPA Ref. 22/00745/ARN) is considered to result in an overriding material consideration of significant weight that would warrant a departure from the Development Plan in this particular instance. For the reasons provided above and in subsequent sections of this report, the proposed development is also considered to protect, conserve and enhance the character and appearance of the countryside, satisfying a key objective of Policy GROWTH 2 of the Local Plan.

Character and Appearance

- 7.19 In terms of visual amenity, Policy ENV1 of the Local Plan 2015 requires proposals to ensure that location, layout, scale, form, massing, materials and colour relate sympathetically to the surrounding area and each other. Policy ENV2 requires all development proposals to be designed to a high quality, enhancing and complementing the local distinctiveness and public amenity by relating well to existing features and introducing appropriate new designs.

- 7.20 Policy EMP 4 of the Local Plan relating to retention of rural buildings also sets out stipulations relating to permanence of construction; relationship of the building with its surroundings; and impact of the proposed use of the building upon the character and appearance of the building and/or locality.
- 7.21 Paragraphs 130 and 134 of the NPPF seek to secure visually attractive development which improves the overall quality of an area and is sympathetic to local character and history.
- 7.22 Policy WNP LC1 of the Witchford Neighbourhood Plan states that “development proposals shall respect and not adversely impact upon the key views from the edge of Witchford village out into the countryside and the views from the countryside into the Witchford village”.
- 7.23 Policy WNP H3 of the Witchford Neighbourhood Plan states that “All residential development schemes will be expected to achieve high quality design and a good standard of amenity for all existing and future occupants of land and building. Schemes shall complement and enhance local distinctiveness and character by retaining or enhancing the special qualities of Witchford and its setting (as described in the Witchford Landscape Appraisal). All residential development shall contribute positively to the quality of Witchford as a place.”
- 7.24 The NPPF indicates that development should be refused which fails to improve the character and quality of an area and the way it functions.
- 7.25 The proposed dwelling is traditional in its design, and is visually similar in its appearance to the dwelling proposed adjacent under LPA Ref. 23/00441/FUL. Whilst taller than the approved Class Q barn conversion, the proposed dwelling is more compact in its overall floor area.
- 7.26 It is considered that the design of the dwelling is acceptable on balance, and its design is considered to have a neutral impact upon the character and appearance of the countryside. Details of materials would need to be secured by way of a condition.
- 7.27 As above, the proposed change of use of the land to form domestic curtilage is considered to have an acceptable impact upon the character and appearance of the countryside, given its existing enclosure and the surrounding development. The proposed area of curtilage is a mixture of hard-surfacing, rubble and agricultural machinery, and whilst the use of this area as domestic curtilage would likely result in a formalisation of this space, it is considered that this would result in a negligible amount of urbanisation so as to result in significantly detrimental harm to the character and appearance of the countryside.
- 7.28 The retention and re-use of the stable block is considered to comply with the objectives of Policies ENV 1, ENV 2 and EMP 4 of the Local Plan and WNP H3 of the WNP insofar that it represents an established and acceptable incursion into the countryside which is part-and-parcel of the established agricultural and rural landscape.

- 7.29 The proposed dwelling and its associated curtilage and retention of the stable block is also considered to generally respect the natural hierarchy across the original farmstead by virtue of the site's size and the outbuildings afforded to it. The relationship of main farmhouse and ancillary farm buildings is generally retained by the proposed development.
- 7.30 The retained stable block for use as an outbuilding incidental to the enjoyment of the dwellinghouse proposed is considered to be of an ample size to meet the domestic needs of the property. Given the rural location of the application site, and the existence of this outbuilding, it is considered that a control of permitted development rights for outbuildings would be pertinent to prevent further physical encroachment into the countryside. Similarly, a control over extensions to the dwelling is also considered pertinent for this reason, to avoid an overdevelopment of the site. It is acknowledged that the extant Class Q consent permitted a barn conversion of a larger footprint, but this was a singular, simplified and agricultural form, commensurate with its landscape. To extend the proposed dwelling further could begin to undermine the rural vernacular of the dwelling, as well as introducing a more suburban form which is likely to be incongruous in the street-scene.
- 7.31 For all of the reasons outlined above, it is considered that the proposed development would result in an acceptable and complementary form of development that would protect, conserve and enhance the character and appearance of the area and wider countryside, and therefore complies with the objectives of Policies ENV 1, ENV 2 and EMP 4 of Local Plan, Policy WNP H3 and WNP LC1 the Witchford Neighbourhood Plan and the NPPF.

Residential Amenity

- 7.32 Policy ENV2 of the East Cambridgeshire Local Plan 2015 requires proposals to ensure that there are no significantly detrimental effects on the residential amenity of nearby occupiers. Paragraph 130(f) of the NPPF requires proposals to ensure that they create safe, inclusive and accessible development which promotes health and wellbeing and provides a high standard of amenity for existing and future users.
- 7.33 As above, Policy WNP H3 of the WNP also sets expectations for all residential development to provide a good standard of amenity for all existing and future occupants of land and building.
- 7.34 With consideration given to the height, scale, siting and window positionings of the proposed dwellings, it is considered that the proposed development would not result in any significant overbearing, overshadowing or overlooking impacts, or any other significant residential amenity impacts, to any neighbouring property. The application site has already secured the principle of one dwelling in this general location and the replacement dwelling is not therefore considered to add significant concerns to amenity.
- 7.35 The proposed dwelling would have in excess of 50m² rear private amenity space, in accordance with guidance contained within the Council's Design Guide SPD.

- 7.36 The Environmental Health Officer has raised no concerns with regard to the siting or nature of the proposal, given that all agricultural buildings are proposed to be removed. The removal of the agricultural building to the north of the application site is outside of the control of this application, given its siting outside of the red line location plan. Notwithstanding, whether the barn to the north is to be retained or removed, the proposed dwelling is considered to benefit from an acceptable level of residential amenity internally and externally by virtue of its siting and scale in relation to the existing barn.
- 7.37 On the basis of the above, the proposed development is considered to comply with the above policy objectives.

Highway Safety

- 7.38 Policy COM 8 of the ECDC Local Plan 2015 seeks to ensure that proposals provide adequate levels of parking (two parking spaces for a dwelling in this location), and Policy COM 7 of the ECDC Local Plan 2015 require proposals to provide safe and convenient access to the highway network.
- 7.39 Policy WNP T1 of the Witchford Neighbourhood Plan states that: *“Development proposals which help to create a more walkable neighbourhood in the village will be supported.”*
- 7.40 Paragraph 111 of the NPPF states that *“Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.”*
- 7.41 Policy COM 8 of the ECDC Local Plan requires 2 spaces for the proposed dwelling. The application proposals provide well in-exceedance of this level.
- 7.42 The Local Highways Authority have not raised any objections to the proposals, subject to the proposed upgraded existing access to be constructed to Cambridgeshire County Council Highways standards. This could be secured via a condition.
- 7.43 For the above reasons, it is considered that the proposals would accord with the objectives of the above policies.
- 7.44 *Flood Risk and Drainage* – the proposal seeks to replace an existing building in an area of low flood risk (Flood Zone 1). As set out within the Applicant’s planning statement, it is considered that an appropriately worded condition could be imposed to secure an appropriate drainage scheme, as no such details have been submitted with the application. Subject to a condition, the proposal is considered to be acceptable in accordance with Policy ENV 8 of the ECDC Local Plan 2015, Policy IC4 of the Witchford Neighbourhood Plan 2022 and the NPPF.
- 7.45 *Climate Change and Sustainability* – the proposal seeks to introduce a new dwelling. No supporting information has been submitted as to how the proposal would accord with the objectives Policy ENV 4 of the ECDC Local Plan 2015, the Climate Change SPD or the NPPF in seeking to secure low-carbon development.

This weighs against the application proposal but is not considered to warrant a reason for refusal on this basis.

- 7.46 *Biodiversity, Trees and Ecology* – Policy ENV1 of the Local Plan 2015 requires proposals to protect, conserve and enhance traditional landscape features and the unspoilt nature and tranquillity of the area. Policy ENV 7 of the EDC Local Plan 2015 seeks to protect the biodiversity and geological value of land and buildings and minimise harm to or loss of environmental features, such as trees, hedgerows, woodland, wetland and ponds.
- 7.47 Policy WNP G13 of the WNP also states: “Development should avoid adverse impacts on biodiversity and provide net gains in biodiversity by creating, restoring and enhancing habitats for the benefit of species. In doing so, applicants must seek to retain and where possible enhance the network of species and habitats currently present in the parish”.
- 7.48 The Natural Environment SPD Policy SPD.NE6 also requires that all new development proposals should contribute to and enhance the natural and local environment by minimising impacts on and providing net gains for biodiversity.
- 7.49 The application is supported by an ecological appraisal of the site and buildings, which conclude that the buildings do not support any protected species and that the overall ecology of the application site is poor.
- 7.50 Notwithstanding, the development proposal triggers the above requirement for biodiversity net gain. It is considered the application site presents ample opportunities for securing a significant biodiversity net gain. No information has been put forward to suggest compliance with the above policy requirements for the specific proposals put forwards, and therefore a condition will be imposed for such details to be secured such as in the form of a soft landscaping scheme and biodiversity enhancement scheme. This is considered to be acceptable in order for the proposals to comply with the above policies.
- 7.51 *Contamination and Pollution* – the Scientific Officer has requested that conditions be imposed upon any grant of approval regarding further site investigation and verification regarding contamination.
- 7.52 As the proposals seek to remove the existing agricultural building and erect a new dwelling, this condition is considered to be reasonable.
- 7.53 The Environmental Health Officer has also requested condition restricting construction hours and ground piling in the interests of residential amenity. Given the adjoining occupier this is considered to be reasonable in the interests of protecting residential amenity. On the above basis, the proposal is therefore considered to comply with Policy ENV 9 of the EDC Local Plan 2015 and the NPPF.

Planning Balance

- 7.54 The proposal seeks to introduce a replacement dwelling outside of the defined development envelope for Witchford, which would replace the barn conversion

approved under extant consent LPA Ref. 22/00745/ARN. The proposed development also seeks to provide an enlarged residential curtilage to the proposed dwelling, and retained stable block for use as an incidental outbuilding.

- 7.55 In accordance with Section 38(6) of The Planning and Compulsory Purchase Act 2004 (as amended), whilst the proposed development is contrary to Policy GROWTH 2 of the Local Plan and Policy WNP SS1 of the WNP Development Plan by virtue of its siting outside of the defined development envelope of Witchford, the extant fall-back consent for a residential dwelling in this location (established under LPA Ref. 22/00745/ARN) is considered to result in an overriding material consideration of significant weight that would warrant a departure from the Development Plan in this particular instance. For the reasons provided above and in subsequent sections of this report, the proposed development is also considered to protect, conserve and enhance the character and appearance of the countryside, satisfying a key objective of Policy GROWTH 2 of the Local Plan.
- 7.56 The development is considered to be acceptable in all other respects, subject to the recommended conditions contained within Appendix 1 of this report.
- 7.57 The application proposals are therefore recommended for approval on this basis.

8.0 APPENDICES

APPENDIX 1 - 23/00775/FUL Conditions

Background Documents

23/00775/FUL
22/01123/FUL
22/00745/ARN
23/00436/FUL
23/00441/FUL

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

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

APPENDIX 1 - 23/00775/FUL Conditions

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

Plan Reference	Version No	Date Received
047933 001	A	11th July 2023
047933 002	B	18th July 2023
047933 006		11th July 2023
047933 010		11th July 2023
047933 102	C	18th July 2023
047933 107		11th July 2023
047933 111		11th July 2023

- 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 development shall take place unless otherwise agreed in writing by the Local Planning Authority until an investigation and risk assessment into the nature and extent of any contamination on the site, whether or not it originates on the site, has been undertaken.

(A) 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. This must be conducted in accordance with Land Contamination Risk Management, Environment Agency 2020. The report of the findings must include:

- (i) A survey of the extent, scale and nature of any contamination;
- (ii) An assessment of the potential risks to:
 - o Human health
 - o Property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes
 - o Adjoining land
 - o Groundwaters and surface waters
 - o Ecological systems
 - o Archaeological sites and ancient monuments
- (iii) Where remediation is required, an appraisal of the remedial options, and proposal of the preferred option(s).

(B) Where remediation is required under A(iii), any proposed remediation works shall be carried out in accordance with the approved details before any development takes place unless an alternative timescale is agreed in writing with the Local Planning Authority. Following completion of the measures identified in the approved remediation scheme, and prior to first occupation, a verification report must be prepared and approved in writing by the Local Planning Authority.

- 3 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 ENV 9 of the East Cambridgeshire Local Plan 2015. This condition is pre-commencement as it would be unreasonable to require applicants to undertake this work prior to consent being granted.

- 4 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.
- 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.
- 5 In the event of the foundations from the proposed development requiring piling, prior to the commencement of development the applicant shall submit a report/method statement to the Local Planning Authority, for approval in writing, detailing the type of piling and mitigation measures to be taken to protect local residents from noise and/or vibration. Noise and vibration control on the development shall be carried out in accordance with the approved details.
- 5 Reason: To safeguard the residential amenity of neighbouring occupiers, in accordance with policy ENV2 of the East Cambridgeshire Local Plan 2015 and Policy WNP H3 of the Witchford Neighbourhood Plan. The condition is pre-commencement as it would be unreasonable to require applicants to undertake this work prior to consent being granted.
- 6 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 occupation of any part of the hereby approved development.
- 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. 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 above ground construction shall commence until details of the boundary treatments have been submitted to and agreed in writing with the Local Planning Authority. The boundary treatments shall be in situ in accordance with the approved details prior to the first occupation of the hereby approved development, and thereafter retained.
- 7 Reason: To assimilate the development into its surroundings, in accordance with policies ENV1 and ENV2 of the East Cambridgeshire Local Plan 2015, and Policies WNP H3 and WNP LC1 of the Witchford Neighbourhood Plan.

- 8 Prior to first occupation or commencement of use the proposed on-site parking and turning area shall be laid out, demarcated, levelled, surfaced and drained in accordance with the approved plan 23 047933 102 Rev C and thereafter retained for that specific use.
- 8 Reason: In the interests of highway safety, in accordance with policies COM7 and COM8 of the East Cambridgeshire Local Plan 2015.
- 9 Prior to first occupation or commencement of use a full schedule of all soft landscape works shall be submitted to and approved in writing by the Local Planning Authority. The schedule shall include, planting plans, a written specification; schedules of plants noting species, plant sizes, proposed numbers/densities; and a detailed implementation programme. It shall also indicate all existing trees and hedgerows on the land and details of any to be retained. The works shall be carried out in accordance with the approved details prior to the end of the first planting season following occupation of the development. If within a period of five years from the date of the planting, or replacement planting, any tree or plant (including retained existing trees/hedgerows) is removed, uprooted or destroyed or dies, another tree or plant of the same species and size as that originally planted shall be planted at the same place, unless the Local Planning Authority gives its written consent to any variation.
- 9 Reason: To assimilate the development into its surroundings, and in the interests of protecting and enhancing species, in accordance with policies ENV1, ENV2 and ENV 7 of the East Cambridgeshire Local Plan 2015, the Natural Environment SPD, Policy WNP GI3 of the Witchford Neighbourhood Plan and the NPPF
- 10 No above ground construction shall commence until full details of hard landscape works have been submitted to and approved in writing by the Local Planning Authority. These details shall include parking and turning areas. 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 an implementation programme submitted to and approved in writing by the Local Planning Authority prior to first occupation.
- 10 Reason: To assimilate the development into its surroundings, in accordance with policies ENV1 and ENV2 of the East Cambridgeshire Local Plan 2015, and Policies WNP H3 and WNP LC1 of the Witchford Neighbourhood Plan.
- 11 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (or any order revoking and re-enacting that Order with or without modifications), no fences, gates or walls shall be erected within the curtilage of the hereby approved dwellinghouse forward of any wall of the dwellinghouse which fronts onto a road, other than those expressly authorised by Condition 7 of this consent.
- 11 Reason: To safeguard the character and appearance of the area, in accordance with policy ENV2 of the East Cambridgeshire Local Plan 2015 and Policy WNP H3 and WNP LC1 of the Witchford Neighbourhood Plan.
- 12 No above ground construction shall take place on site until details of the external materials to be used on the development have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

- 12 Reason: To safeguard the character and appearance of the area, in accordance with policy ENV2 of the East Cambridgeshire Local Plan 2015 and Policy WNP H3 and WNP LC1 of the Witchford Neighbourhood Plan.
- 13 Construction times and deliveries, with the exception of fit-out, shall be limited to the following hours: 0730 to 1800 each day Monday - Friday, 0730 to 1300 Saturdays and none on Sundays, Bank Holidays and Public Holidays.
- 13 Reason: To safeguard the residential amenity of neighbouring occupiers, in accordance with policy ENV2 of the East Cambridgeshire Local Plan 2015 and Policy WNP H3 of the Witchford Neighbourhood Plan.
- 15 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (or any order revoking and re-enacting that Order with or without modifications), no development within Class(es) A and E of Part 1 of Schedule 2 of the Order shall take place on site unless expressly authorised by planning permission granted by the Local Planning Authority.
- 15 Reason: To safeguard the character and appearance of the area, in accordance with policy ENV2 of the East Cambridgeshire Local Plan 2015 and Policy WNP H3 and WNP LC1 of the Witchford Neighbourhood Plan.
- 16 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.
- 16 Reason: To protect and enhance species in accordance with policies ENV1, ENV2 and ENV7 of the East Cambridgeshire Local Plan 2015 and the Natural Environment SPD, 2020, and Policy WNP GI3 of the Witchford Neighbourhood Plan.

