
MAIN CASE

Reference No: 16/00825/FUL

Proposal: Construction of two bedroom detached dwelling

Site Address: Land North East Of 70 St Johns Avenue Newmarket Suffolk

Applicant: Mr David March

Case Officer: Gareth Pritchard, Planning Officer

Parish: Woodditton

Ward: Cheveley

Ward Councillor/s: Councillor Peter Cresswell
Councillor Mathew Shuter

Date Received: 11 July 2016

Expiry Date: 12th October 2016

[R95]

1.0 **RECOMMENDATION**

1.1 Members are requested to Approve the application subject to the recommended conditions below, conditions can be read in full in attached appendix 1.

- 1 Approved Plans
- 2 Time Limit -FUL/FUM/LBC
- 3 Materials
- 4 Site Characterisation
- 5 Reporting of unexpected contamination
- 6 Visibility Splays
- 7 Parking and Turning
- 8 Tree Protection Measures
- 9 No pruning/cutting or felling/removal
- 10 Soft Landscaping
- 11 Parking
- 12 Permitted development - ext and outbldg
- 13 Construction Times
- 14 Surface Water Drainage

2.0 **SUMMARY OF APPLICATION**

2.1 This application seeks permission for a single storey, detached dwelling on a vacant piece of land within an existing residential area. The proposed dwelling when

viewed from the front elevation has a width across it of 12.5 metres, a maximum depth of including the pitched roof porch of 7.1 metres, ridge height of 4.2 metres and eaves of 2.4 metres. Two parking spaces are proposed to the rear of the dwelling together with turning and manoeuvring area. A private amenity space will be provided south-west of the proposed dwelling. The application includes the removal of some trees to the front of the site. Amended plans were submitted which moved the proposed dwelling back further into the site, altered bedroom 1 window location and reduced the depth of the porch.

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 Cllr Cresswell for the reasons detailed in 5.1 below.

3.0 PLANNING HISTORY

3.1

02/01242/FUL	Proposed two storey 4 bedroom detached dwelling house	Refused	25.02.2003
03/00864/FUL	Detached house and garage	Refused	16.10.2003
04/00157/FUL	Erection of dwelling and adjoining garage	Refused Appeal Dismissed	08.04.2004

4.0 THE SITE AND ITS ENVIRONMENT

4.1 The site is located within the established development framework for Newmarket. A 1.8 metre panel fence currently surrounds the majority of the site. The fence is stepped away from the footpath to the north by approximately 3.5 metres, and from the back edge of the footpath for St Johns Avenue to the east by approximately 1.8 metres. There is a mature Maple tree in the north-west of the site, and an electricity substation to the west of the site. The surrounding area is characterised as being residential with modern, two storey houses in a reasonably uniform appearance with varying levels of open frontage.

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.

Woodditton Parish Council - No Comments Received.

Ward Councillors – Cllr Peter Cresswell has requested that this application is called into Planning Committee submitting the following comments.

“Following our telephone conversation on Thursday of last week (18th August 2016), I have received further objections regarding the above application.

On Thursday evening the applicant, and his representative, attended the meeting of Woodditton Parish Council. After they left a discussion took place, when general unease about this application was voiced by Parish Councillors, bearing in mind that previous applications have been refused for dwellings to be built on this site.

You indicated that UK Power Networks, who are responsible for the sub-station immediately to the rear of the proposed bungalow, have raised no objections. This judgement is questionable and, from what I have ascertained, is the opinion of one person.

Access to the sub-station is essential. I have sought advice from an expert in the field who questioned what would happen if a transformer, that weighs 4/5 ton, would need to be replaced. How would access be possible? A further complication is that electricity cables run through the site of the proposed bungalow, and will need to be re-routed if construction takes place.

You suggested that this is not a planning matter, but concerns of neighbours must be taken into consideration and not glibly disregarded. Common sense must prevail.

On 23rd May 2016 a fault developed at the sub-station in question, resulting in a lengthy power cut. This caused considerable inconvenience to residents living on the estate. What will happen if UK Power Networks have limited access to the sub-station in the future, and similar failures occur? e.g. if a vehicle is parked in front of the sub-station and the occupants are away on holiday.

In addition, as you are aware, I have a significant problem with the effect the bungalow would have on the street scene. There are no other bungalows on St Johns Avenue and it would not fit in. In addition, as you have acknowledged, it has been set too far forward. I understand you suggested moving it back one metre. That is a grossly inadequate distance and is totally unacceptable.

The deeds of all properties on Crockfords Park Estate specify that only one dwelling is allowed to be built on each plot. This application contravenes that, much to the anger of local residents.

If you are minded to approve this application in its current status, I have no option other than to call it in, and formally request that it be considered by the Planning Committee.”

Local Highways Authority – The Local Highways Authority has no objections to the principle of this application. Drawing PA141/001 Rev A shows pedestrian visibility splays of 1.5m x 1.5m which is below current CCC standards of 2m x 2m. However, it is noted that there is no proposal for boundary treatments and that 2m x 2m is achievable for the aforementioned reason. A number of conditions and informatives relating to this application are requested.

CCC Growth & Development - No Comments Received.

Trees Officer – With the retention of the mature Maple tree no objections subject to a condition for a Tree Protection Plan for the Maple, that no trees are removed without the consent of ECDC, and as trees are to be removed as part of the application replacement planting of trees are conditioned as part of a landscaping scheme and landscaping maintenance scheme.

Waste Strategy (ECDC) – No objections but requested a number of informatives relating to bin collection and payments for bins for new dwellings are attached to any decision notice.

Environmental Health – No objections but requested conditions are attached to any decision regarding contamination. Also requested that due to proximity to nearby residents times are restricted for deliveries and construction work.

UK Power Networks – Have no objections to the proposed development providing that:

- 24 hour emergency access to the site and access is not blocked
- Access route provided is no smaller than the 3.4 metres already existing
- The existing cables are diverted accordingly at the landowners cost before the development begins.

5.2 Neighbours – Site notice posted and 10 neighbouring properties were notified. The responses received are summarised below. A full copy of the responses are available on the Council's website. Comments were received from 63, 67, 70 and 71 St Johns Avenue whose comments under the initial consultation involved:

- The site includes an electricity sub-station and that access would be impacted, as vehicles may block this as it becomes a private driveway.
- Large vehicles have had to enter the site for repairs and may cause issues.
- There are cables which run under the site which would need to be moved and may cause disruption.
- The application may be in breach of a number of covenants.
- Plans suggest a 1.8 metre fence would isolate the substation.
- That the applicant has had to move boundary treatments previously which impinged on the legal access to the substation.
- The proposed dwelling is contrary to the street scene of St Johns Avenue, and not open frontage.
- Boundary fence running along the footpath to Selwyn Close.
- Highways safety as vehicles often take the corner | the middle of the road, and block views across that space.
- Previous applications refused on the site on design grounds.
- Pocket of landscape land being invaded for personal gain.
- Site not big enough for a residential dwelling – overdevelopment.
- Plans only for one parking space, where do visitors park.
- Concerned about impact to trees on the site, and the history of tree removal on the site.

- Contest that the existing fence line on drawings submitted differs to the existing conditions on site.
- 79 customers fed by the substation on site.
- The footpath will become narrow and possibly unsafe.

All parties that had commented on the proposal were notified following receipt of the amended plans. At the time of writing no further responses have been received.

6.0 The Planning Policy Context

6.1 East Cambridgeshire Local Plan 2015

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
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

6.2 Supplementary Planning Documents

Design Guide
Developer Contributions and Planning Obligations

6.3 National Planning Policy Framework 2012

- 6 Delivering a wide choice of high quality homes
- 7 Requiring good design

7.0 PLANNING COMMENTS

7.1.0 Context

7.1.1 The site has been subject to a number of previous applications for dwellings which were refused in 2002, 2003 and 2004, the latter of which was appealed and dismissed by the Planning Inspector a copy of the inspector's decision letter is attached as Appendix 2.

7.1.2 The previous applications were for large, two storey dwellings and were refused due to impact on residential amenity, and their scale and massing in close proximity to the pavement creating a cramped form of development out of keeping with the built form of the area.

7.2.0 Principle of Development

- 7.2.1 The Local Planning Authority is not currently able to demonstrate that it has an adequate five year supply of land for housing. Therefore, all Local Planning policies relating to the supply of housing must be considered out of date and housing applications assessed in terms of the presumption in favour of sustainable development set out in the National Planning Policy Framework. This means that development proposals should be approved unless any adverse effects of the development significantly and demonstrably outweigh the benefits.
- 7.2.2 The benefits of this application are considered to be the provision for an additional dwelling to be added East Cambs housing stock and the positive contribution to the local and wider economy in the short term through construction work.
- 7.2.3 The site is located within the established development framework for Newmarket. The site is therefore considered to be in a sustainable location and is closely located to goods and services.
- 7.2.4 The site has a total area of approximately 350sqm which is above that recommended in the East Cambridgeshire Design Guide SPD, the dwelling would also occupy less than one third of the plot size as recommended in the same document and private amenity space in excess of 50sqm is being provided.

7.3.0 Residential amenity

- 7.3.1 Under Local Plan policy ENV2 this application should take care to ensure there is no significantly detrimental impact to the residential amenity of the occupier or nearby occupier as a result of the proposed.
- 7.3.2 Due to the siting of the proposed dwelling in relation to neighbouring dwellings it is not considered to cause a detrimental impact through the loss of light or by being overbearing.
- 7.3.3 Due to the single storey nature of the proposed and the separation distance to the residential units to the east the proposed is not considered to result in a loss of privacy for neighbouring occupiers.
- 7.3.4 Consideration has been given to the impact of the substation in close proximity to the residential unit. No concerns have been raised by Environmental Health. There is often Electro field at the perimeter wall or fence of a substation. Within 1 or 2 metres of the substation itself the electro field would be no greater than that experienced from other fields generally present in a typical home. The substation does make a low humming noise, however, this is not considered to be significantly detrimental to any future occupier, and was considered to be suitable to be placed amongst residential units when the estate was originally built.
- 7.3.5 As a result of the points raised above the application is considered to comply with the residential amenity aspect of Local Plan policy ENV2.

7.4.0 Visual amenity

7.4.1 Under Local Plan policy ENV2 this application should take care to ensure that the location, layout, form, scale, massing, materials and colour are sympathetic to the surrounding area.

7.4.2 The surrounding area of St Johns Avenue is characterised as being formed of two storey, detached dwellings with open frontages, and parking to the front. The estate has areas of landscaping along the road. The proposed single storey dwelling would be contrary to the general pattern of development in the surrounding area. However, the introduction of a single storey dwelling would not harm the character and appearance of the area, and would result in a less dominating form of development than the two storey dwellings previously proposed and refused on this site.

7.4.3 The existing dwellings in the vicinity are characterised with open frontages facing the highway, with the dwellings being stepped back in the site. This distance varies due to the stepping pattern in the dwellings in the surrounding area, but generally houses are stepped 6-10 metres back from the highway. Following amended plans submitted by the agent this dwelling would be situated 3 metres from the back edge of the footpath. The agent has also reduced the depth of the proposed porch to further open the frontage of the site. While this is less than other dwellings in the surrounding area, it is considered to be proportionate to the scale of the dwelling. In locating the car parking to the rear it also serves to open the frontage up further.

7.4.4 It is understood that a number of legal covenants may be in place across the development, controlling the use of land and structures such as fences and walls to the front of dwellings. Such covenants are dealt with as a separate legal agreement and do not form a material planning consideration.

7.4.5 As a result of the points above on balance the application is not considered to result in significant and demonstrable visual harm to the surrounding area or the street scene. The layout and design is sympathetic to the surrounding area, subject to suitable materials being conditioned as part of any permission granted. As such it is considered to comply with Local Plan policy ENV2.

7.5.0 Highways safety and parking provision

7.5.1 Under Local Plan policy COM7 this application should ensure that it has a safe and convenient access to the transport network. The Local Highways Authority have raised no objections to the proposal as the occupier can enter and leave the site in forward gear. The site can also accommodate appropriate visibility splays for safe access to the highway network. As such the application is considered to comply with Local Plan policy COM7.

7.5.2 Under Local Plan policy COM8 this application should ensure that it has two parking spaces available at the proposed dwelling. The proposed parking arrangement will be tandem to the rear of the property. The proposed parking will meet the dimensions required by the Local Planning Authority. As a result the application is considered to comply with Local Plan policy COM8.

7.6.0 Trees

- 7.6.1 The proposal includes the removal of some trees to the front of the site to accommodate the development, and the enclosure of the Maple tree to the north west of the site within the driveway.
- 7.6.2 The Tree Officer has raised no objections to this application as the Maple tree is to be retained and providing suitable conditions are attached to any decision granting permission for its protection.
- 7.6.3 The site has previously been subject to a Breach of Condition notice being served due to the applicant cutting down a number of trees on the site in breach of a previous condition for the estate. This application represents an opportunity to recompense for these loses, with a condition requiring a landscaping and maintenance scheme suggested. A condition can also be attached to any granting of permission to ensure no trees are removed without the consent of ECDC to ensure the Maple is retained long term.
- 7.6.4 As a result the application is not considered to detrimentally impact trees subject to appropriate conditions, and therefore is considered to comply with Local Plan policy ENV7.

7.7.0 Other material matters

- 7.7.1 A number of concerns have been raised regarding the substation adjacent to the site, particularly emergency access to the substation and the cables which also run under the site. UK Power Network have raised no objections to this application. However, it should be noted that they have a legal access to the substation of which will be maintained as part of this application. The access to this substation is not a material planning consideration, and is one to be dealt with by the appropriate parties. It is important to note this view was echoed by the Planning Inspector who dealt with the appeal of application 04/00157/FUL.
- 7.7.2 As stated above, concerns have also been raised that the application would be contrary to a number of covenants which cover this land. A covenant is a legal obligation and again is not a material planning consideration. Should a development be contrary to covenants it should be dealt with by the appropriate parties as a private civil matter.

7.8.0 Planning balance

- 7.8.1 As ECDC is not currently able to demonstrate a 5 year land supply for housing this application should be determined in accordance with the presumption in favour of sustainable development and should be approved unless any adverse effects that are significant and demonstrable which outweigh the benefits. The proposed is considered to be in a sustainable location, has an appropriate plot size, raises no concerns with highway safety, residential amenity or trees. It is acknowledged that the proposed single storey dwelling has less of an open frontage than the existing dwellings on the site. However, this is considered to be proportionate to the proposed dwelling and its location on a corner plot. It is also considered that there are no other single storey dwellings in the surrounding area of St Johns Road,

however, as the scale is smaller than that of the dwellings surrounding it, it is not considered to have a significantly detrimental impact to the street scene. On balance therefore the application is recommended for approval subject to appropriate conditions.

8.0 APPENDICES

Appendix 1 - Draft conditions

Appendix 2 - Appeal decision relating to previously refused application
04/00157/FUL.

<u>Background Documents</u>	<u>Location</u>	<u>Contact Officer(s)</u>
16/00825/FUL	Gareth Pritchard Room No. 011 The Grange	Gareth Pritchard Planning Officer 01353 665555 gareth.pritchard@eastcambs.gov.uk
02/01242/FUL	Ely	
03/00864/FUL		
04/00157/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 - 16/00825/FUL Conditions

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

Plan Reference	Version No	Date Received
PA141/001	B	14th September 2016

- 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 windows, doors, roofing and walls 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.
- 4 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.
- 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. The condition is pre-commencement as it would be unreasonable to require applicants to undertake this work prior to consent being granted.

- 5 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.

- 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.

- 6 Prior to occupation; visibility splays shall be provided each side of the vehicular access in full accordance with the details indicated on the submitted plan PA141/001 Rev B; The splays shall thereafter be maintained free from any obstruction exceeding 0.6m above the level of the adjacent highway carriageway.

- 6 Reason: In the interests of highway safety, in accordance with policies COM7 and COM8 of the East Cambridgeshire Local Plan 2015.

- 7 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 for two cars to park clear of the public highway as shown on drawing PA141/001 Rev B The area shall be levelled, surfaced and drained and thereafter retained for that specific use

- 7 Reason: In the interests of highway safety, in accordance with policies COM7 and COM8 of the East Cambridgeshire Local Plan 2015.

- 8 No development shall take place until a scheme for the protection during construction of the trees on the site, in accordance with BS 5837:2012 - Trees in relation to construction - Recommendations, has been submitted to and approved in writing by the Local Planning Authority. The scheme shall show the extent of root protection areas and details of ground protection measures and fencing to be erected around the trees, including the type and position of these. The protective measures contained within the scheme shall be implemented prior to the commencement of any 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.

- 8 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. 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.

- 9 Except as detailed on the approved plans, no trees shall be pruned or removed/felled and no hedges shall be removed without the prior written approval of the Local Planning Authority
- 9 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.
- 10 Prior to first occupation or commencement of use a full schedule of all soft landscape works and biodiversity enhancements 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 together with any bird/bat boxes and their location. 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.
- 10 Reason: To safeguard the character and appearance of the area, in accordance with policy ENV2 of the East Cambridgeshire Local Plan 2015.
- 11 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.
- 11 Reason: To safeguard the character and appearance of the area, in accordance with policy ENV2 of the East Cambridgeshire Local Plan 2015.
- 12 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.
- 12 Reason: To safeguard the residential amenity of neighbouring occupiers, in accordance with policy ENV2 of the East Cambridgeshire Local Plan 2015.
- 13 No development shall take place until a scheme to dispose of surface water; has been submitted to and approved in writing by the Local Planning Authority. The scheme(s) shall be implemented prior to occupation.
- 13 Reason: To prevent flooding by ensuring the satisfactory storage/disposal of water from the site, in accordance with policies ENV2 and ENV8 of the East Cambridgeshire Local

Plan 2015. This is pre-commencement to insure an appropriate scheme can be achieved prior to development.