
MAIN CASE

Proposal: Construction of 1no. four bedroom and 1no. five bedroom one and a half storey detached dwellings with garages

Location: Land Adj 56 West Street Isleham Cambridgeshire

Applicant: Messrs Clarke & Clarke

Agent: Brown & Scarlett

Reference No: 14/00309/FUL

Case Officer: Penelope Mills

Parish: Isleham

Ward: Isleham

Ward Councillor: Councillor Derrick Beckett

Date Received: 24 March 2014 Expiry Date:

[P110]

1.0 EXECUTIVE SUMMARY

1.1 The application seeks full planning permission for the construction of a single dwelling on land to the rear of 56 West Street, Isleham. Permission was initially sought for the construction of two dwellings on the site. However, the proposal has been amended during the course of the application in response to concerns raised by the Planning Officer. The amended plans for the proposed single dwelling, showing its design and location, have been through a re-consultation process.

1.2 The access arrangement was also amended by way of a proposed 'build out' and removal of a section of wall, to try and address concerns raised by County Highways. However, this alternative was not feasible due to land ownership issues and adverse effects on visual amenity due to the loss of the historic wall. The current proposal for one dwelling therefore seeks to use the access as initially proposed.

1.3 The application has been called to Planning Committee by Councillor Beckett.

1.4 The Council has received legal advice confirming that for development control purposes, the Council should regard itself as having a 5-year supply of land

for housing. For this reason, all current housing applications will be considered in the context of the relevant Core Strategy policies, in accordance with Section 38 (6) of the Planning and Compulsory Purchase Act, and not in terms of the 'presumption in favour of sustainable development' set out in the National Planning Policy Framework.

- 1.5 The main considerations in determining this application are therefore:
- The principle of residential development in this location;
 - The impacts on visual amenity;
 - The impacts on the historic environment and the setting of the listed building
 - The impacts on residential amenity;
 - The impacts on protected trees;
 - The impacts on biodiversity and protected species; and,
 - The impacts on highway safety.
- 1.6 The amendments to the application have overcome many of the initial concerns of the Case Officer and other consultees. The single dwelling now proposed, is considered to be acceptable in terms of its impacts on visual and residential amenity and the Trees and Conservation Officers are satisfied that there would be no significant adverse effects on the historic avenue of trees or on the wider setting of the listed building. However, the presence of the trees has made it impossible to achieve an access which is deemed to be acceptable in highway safety terms.
- 1.7 The National Planning Policy Framework states that decisions should take account of whether safe and suitable access can be achieved for all people. In this case, the further intensification of this access, which fails to meet the relevant highway safety standards, would fail to comply with Policy S6 of the East Cambridgeshire Core Strategy 2009 and Policy COM 7 of the Draft Local Plan pre-submission version (as amended June 2014), which state that development proposals shall provide safe and convenient access to the highway network.
- 1.8 There is no overriding reason why, in this case, the sound planning requirements of policy S6 of the Core Strategy should be set aside, and as such the application is recommended for refusal.
- 1.9 **A Site visit has been arranged for 10.15am, prior to the Planning Committee meeting.**

2.0 THE APPLICATION

- 2.1 The application seeks permission for a single dwelling on land to rear of 56 West Street, which is within the development envelope for Isleham. The dwelling would be located at the northern end of the site, approximately 30 metres from the properties on West Street. The dwelling would be pitched roof, with first floor accommodation provided in the roof space, served by

pitched-roof dormer windows and a roof light on the south west (front) elevation, and roof lights on north-east (rear) elevation.

- 2.2 The dwelling would have a 'T-shaped' footprint with the main bulk of the building having a ridge height of 7m. Two, subservient pitched roof projections to the front and rear would provide additional ground floor accommodation and garaging.
- 2.3 The dwelling would be accessed from an existing private drive from West Street, which serves a number of properties. From this tree lined drive the new property would be accessed from an existing access to the site.

3.0 THE APPLICANT'S CASE

- 3.1 The Applicant's case is set out in the Design and Access Statement, which 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, on the application file.

4.0 THE SITE AND ITS ENVIRONMENT

- 4.1 The site comprises an area of paddock land which is currently located within the development envelope for Isleham. The site is situated to the rear of properties fronting on to West Street. These single storey properties, fronting onto West Street, occupy relatively small plots, with short rear gardens, separated from the application site by timber post and rail fencing. There is some existing 'backland' development in the area, with properties built behind those fronting the highway. The closest of these is 50A, which sits adjacent to the eastern boundary of the site, separated from it by a close-boarded fence.
- 4.2 The site is not within the Conservation Area, however a Grade II listed Hall (St Bernards Hall) is situated to the north. The access to the application site would be from the existing avenue, which originally formed the main access to the Hall. This tree-lined avenue is a prominent visual feature in the streetscene and the trees within it have recently been made the subject of a Tree Preservation Order.

5.0 PLANNING HISTORY

- 5.1 There is no relevant planning history for the site itself. However, it should be noted that the property to the east of the site, 50A West Street, which was originally refused planning permission (application reference 04/01188/OU), was allowed on appeal.

6.0 REPLIES TO CONSULTATIONS

- 6.1 **Neighbours** – 14 nearby addresses notified and site notice posted. The issues raised in the four representations received are summarised below (full copies of the representations are available to view on the application file. They

can also be viewed online through the public access pages of the Councils website using the following link: <http://pa.eastcambs.gov.uk/online-applications/>).

Visual Amenity

- Height of proposed houses out of proportion with bungalows adjacent
- Disrupt attractive views

Residential Amenity

- Proposed garage would block light into kitchen
- Overlooking and loss of privacy
- Fails to observe local need for small-sized and affordable housing in Isleham
- Congestion of wheelie bins and black bin bags

Highways

- Increased amount of traffic

Trees

- Removal of trees for driveway
- Requirement by neighbours to maintain shrubs that may infringe on their land

Historic Environment

- Negatively affect character of neighbourhood

Policy

- Site falls outside envelope of Isleham Village Vision 2013 draft plan

Following the reduction in the number of dwellings and the potential changes to the access a further letter was received confirming a continued objection to the scheme and raising the following points:

- The adverse effects on the nearby heritage assets, particularly the Hall.
- If granted, an archaeological report should be required at the time of the excavation.
- A public benefit should be required to repair the existing clunch wall at the end of the drive.
- Continued concern over impact on avenue of trees
- Concerns over proposed access amendments in terms of safety and visual/historical impact.

6.2 **Parish Council**

- Development of site is outside of building line
- Land in question is old bull paddock which has local historic significance
- Concerns over increase in traffic
- 1 ½ storey building will overshadow bungalows

6.3 **District Councillor for Isleham – Derrick Beckett**

- Would like to call the application to Planning Committee
- It would compromise the avenue of trees leading to the Hall
- The amount of extra traffic caused on the access
- Local concern on the impact of the Hall

6.4 **Trees Officer**

- Concerns over impact on mature sycamore trees in avenue
- Arboricultural Report May 2013 doesn't clearly identify locations of 5 sycamore trees
- Object removal of sycamore trees and TPO lime trees on avenue

Following amendments and the receipt of additional information the Trees Officer made these further comments:

- Further to my previous comments, I note this revised arboricultural report 17 May 2014 states that the development proposal does not impact on the remainder of the trees in the avenue along the driveway from West Street to the development site. I do not agree with this statement. There is a need to assess the impact on these trees with regard to delivery of construction equipment and materials to the development site which may require the canopies of the trees to be pruned to avoid branches being damaged by high loads e.g. roof trusses etc.
- As the drive is already used to access the farm and properties, there is historic use for deliveries to these areas already. A suitably worded pre-commencement condition attached to a consent would therefore be reasonable.
- With regard to T4 Sycamore, the report recommends the tree is removed for arboricultural reasons and not for the development. This should therefore be dealt with separately under the new TPO and not as part of the decision of this planning application.
- The owners of the tree T4 Sycamore will need to submit a tree works application to the Council for approval to fell this TPO tree, supported by the arboricultural reasons of this report. If the Council decides to approve such a tree works application, we can condition a replacement tree to be planted. (Please note that T4 Sycamore in this arboricultural report revised 17 May 2014 is T5 Sycamore in the TPO E/02/14 schedule).
- The arboricultural report refers to the site plan showing the trees in relation to a previous site layout that has now been amended I understand. The new layout has new buildings further away from the trees on the avenue boundary but it would be best to ask for the arboricultural report to be updated to reflect the new site layout for accuracy, especially if the planning application is approved and the details of the arboricultural report will become the required reference for the construction workers.

6.5 **Highways Officer**

- Pedestrian and vehicular visibility splays must be shown
- Drive needs to be a minimum width of 5m for first 10m of driveway

- In the absence of the above the Highway Authority recommends that the proposal be refused due to the impact on the safe and efficient operation of the public highway.

With regards to the proposed amendment to reduce the height of the existing boundary wall to the entrance of the site and introduce a build out, the Highway Officer made the following comments:

- The layout provided is not acceptable. The vehicle to vehicle visibility should be provided without having to resort to a build out which narrows the existing carriageway.
- The width of the drive should be 5m other the first 10m so that two domestic cars can pass with ease in the access.
- In the absence of the availability of this width and the inability to provide adequate vehicle to vehicle visibility without resorting to reducing the existing carriageway width, the Highway Authority recommends that the proposal be refused planning permission.

6.6 **Environmental Health**

- No issues with application

6.7 **ECDC Waste Services**

- Bringing and returning wheeled bins and black sacks to and from public highways for collection is responsibility of residents.
- Contribution of £25 per bin with each property requiring two bins.

6.8 **ECDC Scientific Officer**

- No issues with application.

6.9 **Conservation Officer** - Concerns that the significance of the avenue and its relationship with the Hall has not been adequately addressed and insufficient information provided.

- Application affects a site that has the potential to impact on the wider setting of the Grade II listed Hall
- It is not very clear from the plans submitted the impact the proposals will have on avenue – it appears that at least one tree will have to be removed in order to accommodate a new passing place. It is also not clear if the necessary highways requirements can be achieved at the entrance to the site, without compromising the historic boundary treatment to West Street.
- The proposed access to the site is from the existing avenue which originally formed the main access to the Hall and appears on the 1886 Ordnance Survey map of the area. The tree lined avenue is an important and prominent visual feature in the street scene and forms an important connection with the hall and its wider setting within the landscape.

With regards to the proposed amendment to reduce the height of the existing boundary wall to the entrance of the site the Conservation Officer made the following comments:

- This wall forms part of the original formal entrance into The Hall and by virtue of its age and association with the Hall; it could be regarded as being curtilage listed. The section of wall affected by this proposal is one of the oldest sections remaining and it forms a prominent feature in the street scene.
- By reducing its height to 750mm within the visibility splay will fundamentally alter the character and appearance of the wall and create a messy, contrived feature that does little to preserve or enhance the street scene. No regard has been given to the historic significance of this wall and its relationship with the listed Hall.
- Consent should not be granted from a conservation viewpoint.

With regards to the reduction to one single dwelling, using the original access proposed the Conservation Officer made the following comments:

- I can confirm that the proposal to retain the wall at the access to the avenue is acceptable from a conservation viewpoint.
- It is my understanding that the issue of trees has been assessed by the Council's Trees Officer who has suggested the use of a pre-commencement condition.
- In terms of the impact on the hall, the construction of a smaller single dwelling, in the location as proposed would not have a detrimental impact on the significance of the hall or its immediate setting. The application site, may historically have been associated with the hall, however in terms of its current setting, the site could not be regarded as being within the curtilage of the listed building. The proposed dwelling is predominantly single storey and has deliberately been designed with a low roof height in order to limit its visual impact on the street scene.
- No objections from a conservation viewpoint subject to any required conditions.

7.0 THE PLANNING POLICY CONTEXT

7.1 East Cambridgeshire Core Strategy 2009

CS1	Spatial Strategy
CS7	Infrastructure
CS8	Access
CS7	Infrastructure
S4	Developer contribution
S6	Transport impact
S7	Parking provision
EN1	Landscape and settlement character
EN2	Design
EN5	Historic conservation
EN6	Biodiversity and geology
EN7	Flood risk

7.2 East Cambridgeshire Local Plan Pre-submission version (February 2013)

GROWTH 2 Locational strategy

ENV 1	Landscape and settlement character
ENV 2	Design
ENV 7	Biodiversity and geology
ENV 8	Flood risk
ENV 12	Listed Buildings

7.3 Supplementary Planning Documents

Design Guide

8.0 CENTRAL GOVERNMENT POLICY

8.1 National Planning Policy Framework 2012

Core Planning Policies

- 4 Promoting sustainable transport
- 6 Delivering a wide choice of high quality homes
- 7 Requiring good design
- 11 Conserving and enhancing the natural environment
- 12 Conserving and enhancing the historic environment

9.0 PLANNING COMMENTS

- 9.1 Section 38 (6) of the Planning and Compulsory Purchase Act requires that decisions on planning applications are made in accordance with the Development Plan, unless material considerations indicate otherwise. The statutory Development Plan for the District currently comprises the East Cambridgeshire Core Strategy, 2009 and the Cambridgeshire and Peterborough Minerals and Waste Plan 2012.
- 9.2 The emerging Local Plan is currently under Examination, and the Local Plan Inspector issued an Interim Conclusions Report in July, stating that in his view there was a shortfall of 320 dwellings in the Council's five year housing land supply.
- 9.3 In the absence of a five year supply of land for housing paragraph 49 of the NPPF applies, which states that relevant policies for the supply of housing should not be considered up-to-date, and housing applications, should be considered in the context of the presumption in favour of sustainable development. For this reason, in the Planning Committees immediately following the Inspector's interim conclusions, applications for housing were assessed using the presumption in favour of sustainable development.
- 9.4 The Hearings for the Examination were deferred for two months to allow the Council to address this issue and during this time the Council has been out to consultation on a series of proposed modifications to the Local Plan. These modifications consist of five additional housing allocations on the edge of Soham, which will be assessed by the Inspector at the second examination on 11th November.

- 9.5 Given the work that has taken place to address the housing supply shortfall since the publication of the Inspector's Interim Conclusions report, the Council has sought legal advice with regards to the housing supply issue in relation to planning applications currently coming through for determination. The advice confirmed that for development control purposes, the Council should regard itself as having a 5-year supply of land for housing. For this reason, all current housing applications will be considering in the context of the relevant Core Strategy policies, in accordance with Section 38 (6) of the Planning and Compulsory Purchase Act.
- 9.6 The main considerations in determining this application are therefore:
- Policy issues and the principle of residential development in this location;
 - The impacts on visual amenity;
 - The impacts on residential amenity;
 - The impacts on protected trees;
 - The impacts on the historic environment and the setting of the listed building
 - The impacts on biodiversity and protected species; and,
 - The impacts on highway safety.

Policy issues and the principle of residential development

- 9.7 The application site is located within the development envelope for Isleham, which is designated as a 'Limited Service Centre' by policy CS1 of the Core Strategy. In such locations policy CS2 states that residential development of up to 9 dwellings will be appropriate, providing that there is no adverse effect on the scale and character of the area, and that all other material planning considerations are satisfied.
- 9.8 It should be noted that in the emerging Local Plan, this site is not included within the development envelope. However, whilst the policies within this emerging plan may be attributed weight in determining planning applications, they do not yet form part of the Statutory Development Plan for the district and do not automatically override current policies in the Core Strategy. Additionally, given that this application was received in March, it is considered that to apply the revised, un-adopted development envelope, would be unreasonable and open to challenge.
- 9.9 It is therefore considered that the principle of residential development in this location is acceptable, provided that it complies with other relevant policies relating to visual amenity, the historic environment, residential amenity, trees, ecology and highway safety and that all other material planning considerations are satisfied.

Visual amenity

- 9.10 West Street contains a mix of architectural styles of dwellings of varying ages and sizes. However, the streetscene close to the application site predominantly consists of modest single storey dwellings fronting the highway.

Whilst the frontage has been punctuated by some backland development, it is modest in nature and does not form a prominent part of the streetscene.

- 9.11 The dwellings at the front of the application site adjacent to West Street are consistent with the character described above, with low ridge heights and modest footprints, making the application site to the rear particularly sensitive to new development. There are also views into the application site along the existing avenue of trees.
- 9.12 Given the sensitivity of the location, the original proposal for two ½ storey dwellings on the site would have been at odds with the existing character, with a resulting adverse effect on visual amenity. The dwellings would have been clearly visible above and between the bungalows on the frontage and the scale of the dwellings would have resulted in them being particularly prominent in the streetscene.
- 9.13 The proposal has been amended during the course of the application to try and minimise the visual impact. The scheme has been reduced from two dwellings to one, located at the northern end of the site. The dwelling has been designed with a low ridge height, with additional living accommodation and garaging provided in subservient single storey elements. The resulting dwelling covers a relatively large footprint, but fits comfortably within the large plot. Whilst the dwelling has a number of different elements the overall form is simple and traditional, with the appearance of a modest dwelling with subservient extensions.
- 9.14 Due to the position of the site and the nature of the surrounding development the proposed dwelling would still be visible from the highway. However, it would not appear unduly prominent or out of character and would still allow for a feeling of space behind the existing frontage of bungalows, which contributes to the semi-rural feel as one moves away from the centre of the village.
- 9.15 Given the presence of existing backland development in the area, it is considered that the single dwelling proposed, would not have a significant adverse effect on the character of the area or the street scene. The scale and design of the dwelling is considered to be appropriate for the location, and as such it would comply with the requirements of policies EN1 and EN2 of the Core Strategy, and policies ENV1 and ENV2 of the draft local plan, which require all development to be designed to a high quality with regard to local context so as to preserve, or enhance the character, quality and appearance of the area.

Residential Amenity

- 9.16 In addition to reducing the visual impact of the proposal, the amendment to the scheme has also significantly reduced the potential for adverse effects on the residential amenity of neighbouring properties.

- 9.17 The neighbouring dwellings to the south and east of the site occupy relatively small plots, with the dwellings on West Street having particularly shallow rear gardens. The position of the proposed dwelling in the north-western corner of the site allows for a good degree of separation from these dwellings (30m to the boundary with the properties and West Street and 24m to the boundary with 50a to the east). It is considered that this distance, combined with the low height of the dwelling, would ensure that the building would not be overbearing to any of the existing neighbours.
- 9.18 In terms of overlooking, the proposed dwelling has a small amount of accommodation in the roof space. This would be served by two dormer windows and a roof light on the front elevation, looking towards the avenue, a roof light on the north elevation serving an en-suite and a further roof light on the rear elevation serving a landing area. It is considered that the position of these windows and roof lights in relation to the existing neighbours is such that they would not introduce an unacceptable level of overlooking so as to adversely affect neighbouring residential amenity. The insertion of additional openings at first floor level could be restricted by a planning condition.
- 9.19 On balance, it is considered that the amended scheme ensures that there would be no detrimental effect on the residential amenity of neighbouring dwellings and also provides an acceptable level of residential amenity for future occupants of the proposed dwelling. As such, the proposal is in accordance with policies EN2 of the Core Strategy and policy ENV2 of the draft Local Plan.

Protected Trees

- 9.20 Whilst there are no trees within the application site itself, it is adjacent to, and would be accessed from, an existing tree-lined avenue containing a number of mature trees, all of which are now subject to a Tree Preservation Order. Any works to these trees would therefore require an application to the local planning authority.
- 9.21 The Trees Officer initially raised concerns about the potential impact on these trees and highlighted some inadequacies in the submitted arboricultural report.
- 9.22 Following the amendment to the scheme and the submission of additional information the Trees Officer has re-assessed the application. The Officer maintains that additional arboricultural assessment is required, particularly in relation to the need to assess the potential impact on the trees with regard to delivery of construction equipment and materials to the development site, which may require the canopies of the trees to be pruned to avoid branches being damaged by high loads. However, the Officer has advised that given that the drive is already used to access other properties, with an associated historic use for delivery vehicles, it is considered that the use of a suitably worded pre-commencement condition would be a reasonable approach in this case.

- 9.23 The submission of an updated report would also allow the change in layout to be noted. Whilst, the amended position of the single dwelling results in the new building being further away from trees of the avenue boundary than in the earlier proposal, it would be appropriate for it to be amended in the interests of accuracy and best practice, as this document would become the required reference for the construction workers.
- 9.24 It is noted that the submitted report recommends the removal of one tree for arboricultural reasons, not in order to facilitate the development. This is a separate matter which, given the presence of the Tree Preservation Order, would require a tree works application.
- 9.25 Given the advice of the Trees Officer that a condition could be used to ensure the trees do not suffer any harm as a result of the development, the proposal is considered to comply with policies EN1 and EN6 of the Core Strategy and policies ENV1 and ENV7 of the draft local plan. As such, the potential for adverse effects on the protected trees could not be used to substantiate a valid reason to refuse the application.

Historic Environment and the Setting of the Listed Building

- 9.26 The application site is located relatively close to the Grade II listed St Bernard's Hall, and whilst it is not necessarily within the curtilage, it is a location where development has the potential to impact on the wider setting of that heritage asset.
- 9.27 The Conservation Officer initially raised concerns about the lack of clarity as to potential impact the proposal would have on the tree-lined avenue. The avenue originally formed the main access to the Hall and appears on the 1886 Ordnance Survey map of the area. It is an important and prominent feature not only in the street scene, but also forms an important connection with the Hall and its wider setting within the landscape.
- 9.28 The Conservation Officer also expressed significant concerns regarding the proposal to improve visibility at the entrance to the avenue through the removal of part of the existing wall, which forms part of the original formal entrance into The Hall.
- 9.29 Following the amendments to the scheme, additional information regarding the trees, and confirmation that there would be no alterations to the wall at the existing point of access, the Conservation Officer has confirmed that they no longer have any objections to the application, subject to the use of appropriate planning conditions to secure an appropriate quality of materials and finish.
- 9.30 The primary concern from a conservation viewpoint had been the impact on the avenue and the Trees Officer has now suggested that this could be overcome through the use of a pre-commencement condition.
- 9.31 Detailed objections have been received from a member of the public regarding the adverse effect that any development on this site would have on

the setting of the Hall, particularly given the historic use of the site and the contribution it makes to a 'sense of place' in this part of the village.

- 9.32 It is the view of the Conservation Officer that in terms of the impact on the Hall, the construction of a smaller single dwelling, in the location as proposed would not have a detrimental impact on the significance of the hall or its immediate setting. The application site, may have historically been associated with the hall, however in terms of its current setting, the site could not be regarded as being within the curtilage of the listed building.
- 9.33 As discussed earlier in this report it is considered that the impact on visual amenity would not be significant, due to the low height of the dwelling and its position in the plot, allowing for much of the site to remain undeveloped. On balance, it is considered that there would not be a significant adverse effect on any public views of the Hall, its wider setting, or historical significance and the proposal therefore complies with policy EN5 of the Core Strategy and policy ENV12 of the draft Local Plan. As such it would not be possible to substantiate a reason for refusal on the basis of an adverse effect on that heritage asset.

Biodiversity and Protected Species

- 9.34 The application has been assessed against the Natural England Standing Advice for Protected Species. No ecological surveys have been submitted with the application, however, Planning Practice Guidance makes it clear that applicants should only be required to carry out a survey if there is a reasonable likelihood of a protected species being present on the site or affected by the development.
- 9.35 In this case, given the location of the site and the fact that no trees or hedges would be removed as part of the development, it is considered that a request for detailed species surveys would not be reasonable.
- 9.36 Biodiversity enhancements could be secured through condition, for example through the use of appropriate soft landscaping. In addition the timing of the works could be controlled and the use of external lighting restricted to reduce the possibility of any impacts on bats or nesting birds.
- 9.37 It is considered that the proposal would be unlikely to result in any adverse effects on biodiversity or protected species and therefore complies with policy EN6 of the Core Strategy and policy ENV 7 of the draft Local Plan.

Highway Safety

- 9.38 The Highways Authority have expressed concern with highway safety through the course of the application and do not consider that the use of the existing access should be intensified without demonstrating that the required vehicular and pedestrian visibility splays and access width can be achieved. Specifically, in relation to the width, the Highways requirement is that the drive has a minimum width of 5 metres over the first 10 metres. In the absence of

such width, the Highways Authority has recommended that the application be refused.

- 9.39 The Highways requirements are not compatible with the retention of the historic avenue of Trees and as such the applicant explored the possibility of other improvements through the removal of a section of wall and the use of a 'build out', which would reduce the width of the existing carriageway. This proposal was not acceptable to the Highway Authority and additionally introduced unacceptable impacts in terms of visual amenity and the setting of the listed building.
- 9.40 The applicant and the Case Officer have discussed the current scheme with Highways and they have confirmed that even the proposed single dwelling would result in an unacceptable intensification of an access, which does not meet the recommended highway safety requirements and would therefore have an adverse impact on the safe and efficient operation of the public highway.
- 9.41 It is often the case in planning that a particular site will present a number of different issues, the resolution of which may not be mutually compatible. In this case there is a direct conflict between the desire to retain the existing avenue and the need to provide an access width and visibility required to establish a safe access to the highway.
- 9.42 Attempts have been made to find a resolution, but in this case it has not been possible to find a satisfactory solution to meet the requirements of policy S6 of the Core Strategy and COM7 of the draft Local Plan, which state that development proposals shall provide safe and convenient access to the highway network. The application is therefore unacceptable in terms of its impact on highway safety.

Summary

- 9.43 The proposed development has been amended during the course of the application and as a result the applicant has managed to overcome many of the initial concerns of the Case Officer and other consultees. The single dwelling now proposed, is considered to be acceptable in terms of its impacts on visual and residential amenity and the Trees and Conservation Officers are satisfied that there would be no significant adverse effects on the historic avenue of trees or on the wider setting of the listed building. However, the presence of the trees has made it impossible to achieve an access which is deemed to be acceptable in highway safety terms.
- 9.44 It is acknowledged that the access is already in use serving other properties. However, the Highways Authority is clear that further intensification of that access, albeit only in the form of one dwelling, would be unacceptable in highway safety terms.

9.45 There is no overriding reason why, in this case, the sound planning requirements of policy S6 of the Core Strategy should be set aside, and as such the application is recommended for refusal.

10.0 RECOMMENDATION Refuse for the following reason:

The development is unable to achieve the vehicular and pedestrian visibility splays and drive width required by the Local Highway Authority. The National Planning Policy Framework states that decisions should take account of whether safe and suitable access can be achieved for all people. In this case, it is considered that the further intensification of this access, which fails to meet the relevant highway safety standards, would have an adverse impact on the safe and efficient operation of the public highway. The proposal therefore fails to comply with policy S6 of the East Cambridgeshire Core Strategy 2009 and policy COM 7 of the Draft Local Plan pre-submission version (as amended June 2014), which state that development proposals shall provide safe and convenient access to the highway network.

11.0 APPENDICES

11.1 None

<u>Background Documents</u>	<u>Location(s)</u>	<u>Contact Officer(s)</u>
Application file	Room No. 011 The Grange Ely	Penelope Mills Senior Planning Officer 01353 665555 penny.mills@eastcambs.gov.uk