
MAIN CASE

Reference No: 18/00833/FUL

Proposal: Erection of single detached family home

Site Address: Site Between 117 & 119 Duchess Drive Newmarket CB8 9HB

Applicant: Mr John Simmons

Case Officer: Catherine Looper, Planning Officer

Parish: Cheveley

Ward: Cheveley
Ward Councillor/s: Councillor Peter Cresswell
Councillor Mathew Shuter

Date Received: 16 July 2018 **Expiry Date:** 28/09/2018

[T148]

1.0 RECOMMENDATION

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

1. Policy ENV7 of the East Cambridgeshire Local Plan 2015 and policy LP30 of the Submitted Local Plan 2017 require proposals to minimise harm to or loss of environmental features such as hedgerows and trees. Policy ENV1 of the Local Plan 2015 and policy LP28 of the Submitted Local Plan 2017 also require new development to ensure that it can provide positive, complementary relationships with existing development, and protect, conserve and where possible enhance the pattern of distinctive historic and traditional landscape features such as woodland trees. The proposed dwelling and associated works would prevent the statutory requirement upon the applicant to replant a TPO woodland (E/03/06). The TPO woodland provided a key and defining landscape feature between Newmarket and the countryside and its replacement with a dwelling would cause a significantly detrimental harm to the character of the area contrary to policies ENV1 and ENV7 of the Local Plan 2015 and policies LP28 and LP30 of the Submitted Local Plan 2017.
2. Policy ENV7 of the East Cambridgeshire Local Plan 2015 and policy LP30 of the Submitted Local Plan 2017 require proposals to protect biodiversity and geological value of land and buildings. The application has not been supported by an Ecological Appraisal of the site, and it is considered that prior to the TPO woodland being removed the site would have supported a high

level of biodiversity. The application therefore fails to demonstrate it would not have a detrimental impact on biodiversity contrary to policy ENV7 of the East Cambridgeshire Local Plan 2015 and policy LP30 of the Submitted Local Plan 2017.

3. The application would prevent the replanting of the TPO woodland and is considered to cause significant and demonstrable harm to the character of the area contrary to policy ENV1 of the Local Plan 2015 and policy LP28 of the Submitted Local Plan 2017. The site acts as a defining boundary separating the residential built form from the countryside. The introduction of development on this site, in particular the scale proposed, would cause significant and demonstrable harm to the character and appearance of the area. It would create an unacceptable hardening urbanisation of the landscape and prevent the replanting of replacement woodland, on a site that previously acted as a defining and characterising boundary.

2.0 SUMMARY OF APPLICATION

- 2.1 The application seeks consent for the construction of a single dwelling with a maximum height of 8.5m, frontage of 13m and depth of 12.7m. The dwelling would be set back from the public highway with a driveway and parking spaces occupying the front of the site. This is a resubmission of the previously refused application 17/01355/FUL.
- 2.2 The full planning application, plans and documents submitted by the Applicant can be viewed online via East Cambridgeshire District Council's Public Access online service, via the following link <http://pa.eastcambs.gov.uk/online-applications/>. **Alternatively a paper copy is available to view at the East Cambridgeshire District Council offices, in the application file.**
- 2.3 The application has been called into Planning Committee by Councillor J Shumann as there have been a number of issues with the site and significant local interest.

3.0 PLANNING HISTORY

3.1	04/00124/FUL	Create new access	Refused	26.03.2004
	17/01355/FUL	Construction of 4 bedroom detached dwelling	Refused	20.09.2017
	89/01349/OUT	ERECTION OF HOUSE	Refused	22.01.1990

4.0 THE SITE AND ITS ENVIRONMENT

- 4.1 The site is located outside of the established development framework for Cheveley, but adjacent to it with the boundary running along the northern boundary. The site

is covered by TPO's and was previously densely vegetated prior to clearance in January 2017. The site viewed on visit had been mostly cleared with trees remaining around the boundary. To the west of the site is the highway, north a neighbouring occupier, and south the Jarman centre which is a community facility.

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.

Parish - The parish Council objects to this application for the following reasons:

- The proposed dwelling is outside the development envelope.
- Access is onto a 40mph stretch of the highway with inadequate visibility splays. Residents of the proposed dwelling would be dependant on the motor vehicle given the site's location and distance from local services and facilities.

It was also noted that a significant number of trees which had been removed had still not been replaced and this work should be carried out as soon as possible. The trees were removed without permission and contrary to Policy ENV: 7 Biodiversity & Ecology. The site is also protected under a Woodland Tree Preservation Order.

Ward Councillors - No Comments Received

Senior Trees Officer - This proposal is for permission to build a new 4 bedroom single detached family home on a site situated within a larger existing woodland that is covered by the TPO E/03/06, served and confirmed on 14/08/06.

This site was subject to a previous planning application in 2004, where a large number of trees were cleared prior to the application being submitted, following the sale of this woodland plot, once part of The Jarman centre site at 119 Duchess Drive. Unfortunately the site was sold and the trees removed before the Council had the opportunity to formally serve a TPO to protect the densely wooded site at The Jarman Centre.

Since the TPO was served in 2006, the site was sold again. Following the removal of woodland trees in or around 2004, natural regeneration of the trees began, especially of the Sycamore, restoring the woodland canopy. An aerial photograph of the site in 2009 shows the trees' canopies covering over approximately a third of this site.

The current application is supported by an arboricultural report dated 24.07.17 and an arboricultural plan No. 5938-D dated 21/07/17, showing very little woodland cover existing on the site. This was not the case up until 28th January 2017, when the site was virtually cleared of trees and vegetation, including the removal of several trees on the County Council Highways verge at the front of the site on Duchess Drive. This arboricultural report is the same one submitted to support a previous application 17/01355/FUL (refused on 19th September 2017) and this plan

shows the footprint of the previous proposed 5 bedroom dwelling, and not that of the current application's proposed dwelling.

There is currently a statutory requirement for the owner to plant replacement woodland on this site.

I therefore recommend the application is refused because of the impact on the TPO Woodland.

Local Highways Authority - The Highway Authority has no objections in principal to this application. Drawing Number 001 (Visibility Spay Analysis) demonstrates the visibility splays are entirely within the highway and correct for the posted speed limit of 40mph.

CCC Growth & Development - No Comments Received

Waste Strategy (ECDC) - No objections raised. Standard informatives recommended.

5.2 A site notice was posted on 7th August 2018 and three neighbours have been notified by post. Two responses have been received raising the following concerns. A full copy of the responses are available on the Council's website.

- Impact on the Jarman Centre, including day to day running and the amenity of users.
- Concerns regarding the woodland Tree Preservation Order and the replacement planting.
- The Tree Survey recommends works to trees outside of the applicants ownership.
- There are bats and badgers in the woodland and no ecology report has been submitted.
- The Jarman Centre has unrestricted hours which could impact on the amenity of future occupiers.
- The site is not level, but it has stated that it is level in the Design and Access Statement.
- Concerns regarding surface water drainage impacting on the Jarman Centre.
- The design is inconsistent with the edge of settlement and rural woodland grain of the area.
- The dwelling would overlook the Jarman Centre.
- The site is in an unsustainable location.
- The use of the Jarman Centre is not compatible with residential use nearby, and may threaten the existence of the community facility.
- The benefits of providing a dwelling do not outweigh the harm caused.
- The proposal creates overlooking to the neighbouring dwelling at Beech Lodge.
- The proposal would require root pruning to a tree (T006) under the ownership of Beech Lodge. This trees roots may have already been damaged. Further pruning may impact the stability of the tree and there may be pressure to remove the tree in the future.

- The site is not appropriate for development.

6.0 The Planning Policy Context

6.1 East Cambridgeshire Local Plan 2015

ENV 1	Landscape and settlement character
ENV 2	Design
ENV 7	Biodiversity and geology
ENV 9	Pollution
COM 7	Transport impact
COM 8	Parking provision
GROWTH 2	Locational strategy
GROWTH 3	Infrastructure requirements
GROWTH 5	Presumption in favour of sustainable development

6.2 Supplementary Planning Documents

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

6.3 National Planning Policy Framework 2018

5	Delivering a sufficient supply of homes
12	Achieving well-designed places
15	Conserving and enhancing the natural environment

6.4 Submitted Local Plan 2018

LP1	A presumption in Favour of Sustainable Development
LP3	The Settlement Hierarchy and the Countryside
LP17	Creating a Sustainable, Efficient and Resilient Transport Network
LP22	Achieving Design Excellence
LP26	Pollution and Land Contamination
LP28	Landscape, Treescape and Built Environment Character, including Cathedral Views
LP30	Conserving and Enhancing Biodiversity and Geodiversity

7.0 PLANNING COMMENTS

7.0.1 The main considerations of this application are: principle of development, highways safety, trees, visual amenity, residential amenity and other matters.

7.1 **Principle of Development**

7.1.1 An appeal decision (APP/V0510/17/3186785: Land off Mildenhall Road, Fordham') has concluded that the Council does not currently have an adequate five year supply of land for housing, and as such, the housing policies within the 2015 Local

Plan (GROWTH 2) and the 2017 Submitted Local Plan (LP3) cannot be considered up-to-date in so far as it relates to the supply of housing land. In this situation, the presumption in favour of development set out in the National Planning Policy Framework (NPPF) means that permission for development should be granted unless any adverse impacts of so doing would significantly and demonstrably outweigh the benefits or specific policies in the Framework indicate that development should be restricted.

- 7.1.2 The site is located outside of, but adjacent to, the established development framework. Given the proximity of the site to the framework, the site is considered to be in a sustainable location and the principle acceptable subject to satisfying all other material considerations.

7.2 Residential Amenity

- 7.2.1 Policy ENV2 of the Local Plan 2015 and policy LP22 of the Submitted Local Plan 2017 state that proposals must ensure they do not result in a significantly detrimental harm to the residential amenity of neighbouring or future occupiers as a result of the proposal. Given the location of the proposed dwelling and separation distances, the dwelling is not considered to have a detrimental harm on the amenity of neighbouring occupiers through being overbearing, causing a loss of light or by being overlooking.
- 7.2.2 The proposed dwellings would have sufficient amenity space to comply with the requirements of the Design Guide SPD. The proposed dwelling has one first floor side window which serves an ensuite. It can be conditioned that this is obscure glazed to prevent overlooking of nearby occupiers. As a result the application is considered to comply with policy ENV2 of the Local Plan 2015 and policy LP22 of the Submitted Local Plan 2017 in this regard.
- 7.2.3 Concerns have also been raised regarding the noise impact for future occupiers from the activities taking place at The Jarman Centre. While it is acknowledged there may be some disturbances as a result it is not considered they would be significant that would warrant refusal. It is not considered that the proposed dwelling would cause a significant impact on the functioning or use of The Jarman Centre. The application is therefore considered to comply with policy ENV2 in this regard.

7.3 Visual Amenity

- 7.3.1 Under Local Plan policy ENV1 this application should ensure that it provides a complementary relationship with existing development, and conserve, preserve and where possible enhance the distinctive and traditional landscapes, and key views in and out of settlements. Policy ENV2 of the Local Plan 2015 and policy LP22 of the Submitted Local Plan 2017 require this application to ensure its location, layout, form, scale, massing and materials are sympathetic to the surrounding area.
- 7.3.2 As previously highlighted, the application would prevent the replanting of the TPO woodland and is considered to have a significantly detrimental harm to the character of the area contrary to policy ENV1. The site acts as a defining boundary separating the residential built form from the countryside. While there is built form found within the adjacent woodland, this is a community facility situated within the

woodland. It is considered that this proposal would cause significant and demonstrable harm to the character and appearance of the area. It would create an unacceptable hardening urbanisation of the landscape which is exacerbated by the 8.5m ridge height. The proposal prevents the replanting of replacement woodland, on a site that previously acted as a defining and characterising end of settlement boundary.

- 7.3.3 The visual harm weighs against the proposal to the extent that it would significantly and demonstrably outweigh the benefits of new housing provision, contrary to policies GROWTH2 and ENV1 of the Local Plan 2015, policies LP3 and LP28 of the Submitted Local Plan 2015, and the NPPF.

7.4 Trees

- 7.4.1 Under policy ENV7 of the Local Plan 2015 and policy LP30 of the Submitted Local Plan 2017, there is a requirement to protect biodiversity and geological value of land and buildings, and minimise harm to or loss of environmental features such as hedgerows and trees. Policy ENV1 of the Local Plan 2015 and policy LP28 of the Submitted Local Plan 2017 also requires this application to ensure that it can provide positive, complementary relationships with existing development, and protect, conserve and where possible enhance the pattern of distinctive historic and traditional landscape features such as woodland trees.
- 7.4.2 The site was designated as a TPO woodland in 2006 (E/03/06). However, the site was significantly cleared in January 2017. As the Tree Officer has noted there is a statutory requirement on the owner to plant replacement woodland on this site. Internet street mapping shows images of the site from 2010, and demonstrate how the site provided a significant landscape feature which defined this edge of settlement location. The removal of the TPO woodland has significantly altered the character of the area and has a significant impact on the street scene. This is considered to have had a detrimental impact on this defining edge of settlement location. A notice has been served on the land owner under section 207 of the Town and Country Planning Act 1990 ("the Act") to replace the planting. This notice has not been appealed or challenged. The Trees Officer objects to this application as it would prevent the correct replanting as required on the site. It is for these reasons the application is considered to be contrary to policies ENV1 and ENV7 of the Local Plan 2015 and policies LP28 and LP30 of the Submitted Local Plan 2015.

7.5 Access and Parking

- 7.5.1 Under policy COM7 of the Local Plan 2015 and policy LP17 of the Submitted Local Plan 2017 this application should ensure that it can provide safe and convenient access to the public highway. The Local Highways Authority have not objected to the proposed scheme providing a number of conditions are attached to any granting of permission which are considered to be acceptable.
- 7.5.2 Policy COM8 of the Local Plan 2015 and policy LP22 of the Submitted Local Plan 2017 set out the parking policies for the District. The dwelling would provide two bedrooms and is therefore required to provide a minimum of two spaces per dwelling. The applicant has provided the sufficient parking to meet this policy.

7.6 Other Material Matters

- 7.6.1 No ecological information has been submitted. The site was previously cleared of a large extent of vegetation and comments from neighbouring occupiers has confirmed the presence of a number of habitats being found on the site. The applicant has provided no supporting information regarding ecology, and in allowing a dwelling to be built it would prevent the replanting of TPO woodland which would be at detriment to biodiversity. The application is therefore considered to be contrary to policy ENV7 of the Local Plan 2015 and LP30 of the Submitted Local Plan 2017.
- 7.6.2 Surface water drainage is a matter that can be secured by way of planning condition.

7.7 Planning Balance

- 7.7.1 It is considered that the benefit of the provision of one dwelling would be outweighed by the significant and demonstrable harm which would be caused to the rural end of settlement character and appearance of the area through the introduction of a large and urbanising dwelling. Insufficient information has been submitted to demonstrate that the proposal is not harmful to biodiversity. The proposal would prevent the replanting of woodland trees at the site, which would create a detrimental impact to the rural edge of settlement character. The visual harm weighs against the proposal to the extent that it would significantly and demonstrably outweigh the benefits of new housing provision.
- 7.7.2 The application is therefore recommended for refusal.

<u>Background Documents</u>	<u>Location</u>	<u>Contact Officer(s)</u>
18/00833/FUL 04/00124/FUL 17/01355/FUL 89/01349/OUT	Catherine Looper Room No. 011 The Grange Ely	Catherine Looper Planning Officer 01353 665555 catherine.looper@eastcambs.gov.uk

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

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